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MATTHEW DAVENPORT HILL.

London, Published by Macmillan & Co. 1878.

The Recorder of Birmingham.

A MEMOIR

OF

MATTHEW DAVENPORT HILL;

WITH SELECTIONS FROM HIS CORRESPONDENCE.

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ae

BY HIS DAUGHTERS,

ROSAMOND AND FLORENCE DAVENPORT-HILL.

"A man of hope, and forward-looking mind."

WORDSWORTH.

London:

MACMILLAN AND CO.

1878.

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TO HIS SURVIVING FELLOW-WORKERS

IS INSCRIBED

THIS RECORD OF THE LIFE AND LABOURS

OF

MATTHEW DAVENPORT HILL.

PREFACE.

THE authors desire to thank their Father's correspondents who, at the cost frequently of much trouble, have placed his letters at their disposal. They also gratefully acknowledge the help they have received in those portions of their work which required professional or otherwise special knowledge.

NOVEMBER, 1878.

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MATTHEW DAVENPORT HILL.

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Parentage and Birth—Thomas Wright Hill—Priestley and the Birmingham Riots—Temperament and Early Characteristics—Rowland Hill—Education—Assists in his Father's School—*Laws of Juvenile Games*—Year 1811—Incidents of the Time—*Midland Chronicle*—Speech of Thomas Attwood—Diary—Steer and Edmonds—Course of Study—Visit to France—Impressions of Paris—The Luxembourg—The Chamber of Peers—Mrs. Siddons—The Duke of Wellington—Restaurants for the English—Shopping at Paris

MATTHEW DAVENPORT HILL was born on the 6th of August, 1792. He is remembered chiefly in connection with the administration and improvement of criminal law. But it was not until his appointment as Recorder of his native town, when more than half his life was already spent, that his name came to be associated with this subject; and he had almost reached his sixtieth year before he was able to give the time, thought, and labour to the cause which made him one of its acknowledged leaders. Yet his early years and middle age had been marked by similar devotion to other public objects—civil and religious liberty, popular education, and parliamentary reform. A memoir ignoring these passages of his life would be defective as a biography. Nor would that biography be complete without notice of a professional career connecting him with some of the greatest cases of his time; or of a period, short though it was, passed in the House of Commons, where he was looked upon as among the most promising of the new men who entered St. Stephen's on the wave of reform. These, however, will be treated of with comparative brevity.

To the reader of to-day the chief interest, and perhaps the most valuable lessons of his history, gather about its later portion.

Of his parentage little is known, except that his father's family was living in Shropshire in the seventeenth century, and belonged, as did that of his mother also, to the middle class. Each line afforded instances of remarkable force and independence of character, interesting in support of the theory of the descent of moral as well as physical qualities. On the side of his paternal grandmother, whose maiden name was Symonds, Matthew claimed a connection with John Hampden; while through her husband, James Hill, it is believed a relationship may be traced to Butler, the author of *Hudibras*.

Thomas Wright Hill, the father of Matthew, was brought up in the narrowest Calvinistic views; but he early left the sect to which his parents belonged, and joined the Unitarian body. He became a member of Dr. Priestley's congregation at Birmingham, and formed a strong attachment to his pastor. When the notorious riots of July, 1791, broke out, he, with a small body of fellow-worshippers, offered to defend Priestley's house against the mob. To their sore disappointment all defence was declined on the ground that it was the duty of a Christian minister to submit to persecution, and Priestley's house was pillaged and burnt. The conduct of the magistrates on the occasion showed that the feeling of hostility against him was not confined to the lower classes. But the martyrs of one century are the prophets of the next. Birmingham, whence Priestley had to fly for his life, has adorned the space surrounding her Town Hall with his statue as a companion to that of James Watt; while Oxford, the very stronghold of orthodoxy, has placed in her Museum a like memorial of the great Nonconformist philosopher.

A few days after the termination of the riots, which had delayed his wedding, Thomas Wright Hill was married to Sarah Lea, a woman of shrewd intellect, courage, and integrity. The passionate attachment with which she inspired her children, and the influence over them she derived from it, continued unabated till her death, when all had reached middle age.

Matthew was the eldest of the family. To a fever in infancy, which was almost fatal, and to premature toil and anxiety resulting from the narrow means of his parents, may be attributed the uncertain health which, in spite of a naturally strong constitution, beset him through life. This feeble health, together with a lively fancy, made him extremely sensitive to the pains as well as the pleasures of childhood. Of its pains, in the retrospect of after-life, he esteemed the terrors of the imagination as among the greatest. Some of these he has vividly described in a sketch entitled "Early Recollections," contributed to *Knight's Quarterly Magazine*. Nevertheless, from boyhood courage was a distinctive feature in his character. Sometimes it reached foolhardiness, exposing him to such dangers that he might have paid with his life for his rashness. For instance, his brother Rowland[1] relates that it was one of his childish freaks to climb a tall elm tree by his father's house, carrying with him a tin can, containing his breakfast of bread and milk, which it was his pleasure to eat perched as high as he could mount. On one occasion he slipped and fell, but fortunately was caught by a branch. No doubt his escape from peril was often due to the presence of mind which he possessed in a remarkable degree. Nor did this quality desert him when weakened in body by age and infirmity. Towards the end of his life he was on the platform of a large public hall, during the delivery of a lecture, when a cry of fire was heard. The frightened audience rose, and a rush to the doors was imminent. Such a panic threatened a worse catastrophe than the fire, and the chairman, his face ashy pale from fear, implored his "fellow-citizens" to sit down. To this prayer, however, the said citizens paid no attention; when Mr. Hill started to his feet, and coming to the front of the platform exclaimed, in a voice which rang through the hall—'All who 'are not cowards will sit down at once!' The people sank into their seats as one man. The alarm of fire proved to have been exaggerated, and the crowd dispersed in safety.

With his more manly qualities was combined a womanly tenderness of heart. Still, his temper was quick and excitable, and when moved to anger he could use very vehement words.

[1] The Author of Penny Postage.

A brutal or cowardly deed roused his fierce indignation, and instant chastisement was inflicted on the offender without thought of consequences to himself. A few months after his marriage, while suffering from lameness which compelled him to wear a slipper, he was walking with his wife through the gateway of Lincoln's Inn (then without a footpath) leading into Chancery Lane. A gig approached, making rapidly for the same narrow outlet. He signalled to the driver to lessen his speed, but the man taking no heed, dashed by, his wheel leaving a stain on Mrs. Hill's dress, as her husband, throwing his arm across her, held her against the wall. In an instant he had sprung up at the back of the vehicle, and seizing the driver's whip, lashed him furiously, as the horse tore along Chancery Lane. How far he went, and how he got down from his hazardous position, he never knew. His wife, in terror, followed as fast as she could, picking up the slipper which had fallen from his foot. She met him returning unconscious of the loss, still flourishing the whip, broken by the vigorous use to which it had been put, and speaking to himself, as was his wont when strongly excited. Meanwhile the noise had brought forth from a tavern in the street kept by a well-known prize-fighter, a rabble of pugilists, who were vociferously cheering the pluck of the castigator. In future years the spirit which prompted this practical expression of "righteous indignation" was to show itself in the denunciation of evil-doers. A lying witness, a fraudulent bankrupt, more than all the knave who, as the trainer of young thieves or as the receiver of stolen goods, contrives to elude the grasp of the law while fattening upon the proceeds of its violation by others, would be made to feel the force of his wrath, so far as words could convey it.

His youthful daring, together with a love of frolic, and the vivacity which accompanied periods of health, involved him in innumerable escapades, the relation of which excited him to bursts of merriment even after the lapse of half a century. At family gatherings he led the fun, and his friends expected to laugh as soon as he opened his lips. And this continued to be the case in after-life. A niece who, in early childhood, was much at his father's house, remembers how

eagerly her uncle Matthew's visits were looked for; the interest with which she regarded his portmanteau as proof that the longed-for guest had arrived; and the peals of laughter that were heard whenever the dining-room door was opened.

To exuberant animal spirits were added higher powers of entertainment. Gifted with dramatic talent and a fine voice, he was fond of reciting passages from the English classics. Sometimes he would delight his hearers with scenes from Shakspere; but Milton, of whom he was a fervent admirer, both as author and patriot, was his favourite poet.

When he was seven years old his parents removed to the neighbourhood of Wolverhampton. Here the two elder sons were sent to a day school in the town, and Matthew gained an experience which, afterwards, he made useful for others. Though impatient when released from their lessons to reach home without delay, the little fellows could never avoid loitering on the road. They would fix upon some object ahead, and agree to reach it before making a pause; or they would try to keep pace with a waggon going their way. But all was in vain. A bird in the hedge, a passenger on the road, were certain to distract their attention, and their resolve would be forgotten. Remembering this, he recognised the incapacity of children to concentrate their efforts for more than a short time, and knew that to expect prolonged attention from them to one subject, is unreasonable, and even cruel.

Thomas Wright Hill was very happy in imparting instruction *vivâ voce*, and his children were indebted to him for many a lesson conveyed in the long and frequent walks in which he made one or other of them his companion:—'I can identify' wrote Matthew, 'the spots of many conversations, which often 'took the form, as well as the substance, of lessons. But, as we 'had no books, all was to be worked out orally, except that, 'now and then, my father's walking-stick would answer the 'purpose of a crayon, with the surface of the road, or a ploughed 'field, for the black-board. In a walk from Birmingham to 'Kidderminster, continued the next day to Stourbridge, we 'began Euclid. He made me acquainted with the postulates 'and axioms, and told me that Euclid did not require any

'further admissions from his pupils. When, however, my 'father came to the fourth proposition of the first book, he, 'in the name of Euclid, called on me to lay one triangle 'upon another. But, I answered, there was no postulate to 'justify the request; which my father admitted, and too openly 'showed his gratification that I had hit such a blot in the 'work of the great master.[1] The incident was unfortunate for 'me in more ways than one. I conceived a contempt for the 'system of Euclid, which I looked upon as an imposture; and 'showing, as I suppose I did, a disinclination to hear any-'thing more of the *Elements*, the subject was laid by for years.

'Perhaps the greatest obligation we owe to our father is 'this: that from infancy he would reason with us—argue with 'us would be perhaps a better expression, as denoting that it 'was a match of mind against mind, in which all the rules of 'fair play were duly observed, and we put forth our little 'strength without fear. Arguments were taken at their just 'weight; the sword of authority was not thrown into the 'scale.'[2]

Early in 1803 Thomas Wright Hill opened in the out-skirts of Birmingham, at a house called from its situation Hill-top, a boys' school of which he had bought the good-will. To this step he was urged by his wife, in the hope that it would secure for their children a better education than her husband's scanty resources could otherwise provide. And so it did, though not in the way she had anticipated. From their father's inability to pay for sufficient assistance, the boys became teachers at a very early age, and had to begin their task by teaching themselves. At twelve years old Matthew was instructing others, and regular schooling for himself ceased. The society of his father, however, and of his father's friends, who, like him, were men of vigorous intellect and considerable acquirement,

[1] The remark was acute, though the criticism may be of doubtful value. On this point there is some difference of opinion, even among mathematicians. The general view seems to be that a postulate was unnecessary; but a professor of high reputation has made a postulate here, and treated the absence of it as an omission in Euclid.

[2] *Remains of T. W. Hill*, edited by Matthew Davenport Hill, and printed for private circulation, 1859.

was no doubt an important agent in the youth's intellectual growth.

Recovering from a severe illness in 1807, the father thus expresses the estimation in which he held his sons' aid:—'I had 'the unspeakable pleasure to find that my boys could for a 'whole week conduct the school, now larger than ever, without 'assistance from me. In a few years they will not only have 'the real power, but from age would be entitled to the public 'confidence; and then, whatever the Sovereign Disposer of 'events may decree concerning myself, the chief, I think I can 'say the only, cause of my anxiety would be removed.'

Matthew's employment turned his thoughts while yet a youth to the importance of good and well-defined laws. Quarrels among children he observed arose chiefly from the ill-constructed rules which governed their pastimes. These reflections led him to project a book to be entitled, *A Description and Laws of Juvenile Games*, though, probably from lack of time, it never proceeded beyond a few memoranda and the sketch of a preface. At first sight there may be something ludicrous in the future author of *Repression of Crime*, employing his youthful pen on the laws of Hide and Seek, and Blindman's Buff 'to prevent 'litigation.'[1] Still, the mere fact of his having contemplated this early work has an interest, taken in connection with the ultimate story of his life.

As he grew older he became aware of defects in the school, and boldly set himself to the task of amending them. His younger brothers aided him in the enterprise, the main help coming from Rowland, to whom in after years the development of new principles in the government of the school was chiefly owing. They achieved their end, but to do so involved

[1] *Repression of Crime* (J. W. Parker and Sons) was published in 1857. Its author did not think the amusements of boys a subject unworthy of treatment in the book which gives the result of his best years of experience and reflection. When dwelling on the importance of wholesome recreation, he speaks of the moral training which might be given by judicious superintendence in—'a public play-'ground, when such a privilege shall be granted to that important body the boys 'in the street;' and continues—'I have often thought that a digest of the rules 'which govern the various games in which boys engage, might have a salutary 'effect on their tempers, and even on their morals.'—*Repression of Crime*, p. 81.

excessive labour. Referring to this period of his life, Matthew used to say that his idea of Paradise was a perpetual waking up to find it only two o'clock in the morning.

The year 1811, when Napoleon was at the zenith of his power, opened gloomily for England. Her commerce was paralyzed; the mental disease of George III. necessitated the appointment of a Regency; and the Government but feebly supported Wellington in his life-and-death struggle against the French in Portugal and Spain. A man of strong opinions, and a staunch upholder of justice and freedom in their widest sense, Thomas Wright Hill was acutely alive to the sufferings of the people and the errors of their rulers. It had long been the custom of the family (which eventually numbered six sons and two daughters) to discuss at meals and other times, when not engrossed with business, political questions, scientific discoveries, or plans for social improvement, more particularly the latter. The father, a disciple of Priestley, was bold in speculative inquiry, and fearless in proclaiming his convictions. Matthew thus inherited, with a keen interest in public affairs, a strong bias towards the most advanced Liberalism; though, as he grew towards manhood, what fell from him in family debate somewhat modified his father's extreme views. Already, at the age of eighteen, he was expressing his opinions in contributions to a local newspaper which he contrived to write amidst the hard work of the school. This paper, called the *Midland Chronicle*, was established by two young men, his friends Samuel and John Steer.[1] He himself being a minor could not become a partner, but gave his time and labour to the concern. In one among the few preserved of his youthful productions, he is found attacking two parties in the State,—the first 'at the 'beck of the Ministry in power, and who always support the 'measures of our own Government however they may be noto-'rious for their weakness or their impolicy;' the second 'equally,

[1] The Steers were self-made men. They subsequently went to London, and obtained employment on the metropolitan press while preparing for the Bar. The elder died early. John was rising in his profession, with the probability of reaching the Bench, when he was attacked by influenza in the epidemic of 1836, under which he rapidly sank. His work on *Parish Law* remains a text-book.

'if not more dangerous to the true interests of society . . . com-'posed of men who are the unqualified admirers or the determined 'exculpators, of every act of the French Government.' He points out that each party seeks to defend the unjustifiable measures of either Government by discovering some action of its antagonist equally reprehensible. 'But,' he asks, 'does the villainy 'of one Government excuse the wickedness of another? Is the 'impress of seamen by the English more consonant with human-'ity by reason of the French conscription? Or is the servility 'of the Senate to Buonaparte less despicable because of the 'obsequiousness of our Parliament to our Ministers?'

In the summer of 1812 Matthew, after one of his frequent illnesses, went to Aberystwith with his mother for change of air. Another of the party was a lady who, though many years his senior, admitted him to equal terms of friendship. In later life he looked back to his intercourse with her graceful and highly cultivated mind as one of the happy circumstances of his early manhood. She was the aunt of her who, forty years afterwards, was his fellow-labourer in the reformation of juvenile criminals—Mary Carpenter.

During his absence from home was held the first of those gatherings of the people which came to be associated with the very name of Birmingham. Thomas Attwood, its first representative in Parliament, under the Reform Act of 1832, was at this time High Bailiff, an office which, though possessing little or no legal authority, was by usage invested with the highest rank and influence of any pertaining to the town. In conjunction with his partner, Richard Spooner, he had borne his part with those by whose efforts the disastrous Orders in Council were rescinded, which, together with the Berlin and Milan Decrees of Napoleon, were rapidly bringing the commerce of England to ruin. The artizans of Birmingham determined to hold a public meeting to express their gratitude to these gentlemen, and no less to Henry Brougham, their advocate in Parliament. The announcement of this intention was received by the higher and middle classes of the district with consternation. The horrors of the French Revolution, and the terror caused by the local riots of 1791, still fresh in their memory, made them dread any

assemblage of the lower orders. Manifold were the agencies brought to bear on the artizans to avert the supposed danger, but without success; and a great fact was established, namely, that working men were capable of conducting a public meeting with as much propriety as their superiors in social position.

So important an event could not fail strongly to interest Matthew, and he writes to his father:—'I am glad it is the '"order of the day" to commend the artizans; though I must 'confess that this pleasure is a little dashed with the recollec- 'tion that there were not wanting some, even among these 'very persons, who could throw obstacles in the way of the 'artizans when their meeting was an untried experiment. But, '"Verily they have their reward," in the contempt of all those 'who dare to think and act for themselves.' And again a few days afterwards:—'Mr. Attwood's speech was sublime. . . I 'wish the meeting had taken place a week later—it would 'have induced some pleasing reflections. What a difference in 'the popular feeling of the 14th of July, 1791 [the date of 'the Birmingham riots], and the 14th of July, 1812! How 'much of the change has been wrought by the increased 'information of the lower classes is a question well worth the 'attention of the philosophical politician.'[1]

In November he began a diary, continued at intervals for a year and a half—interesting because it illustrates the curious habit of self-introspection and wish to preserve its own mental photograph peculiar to youth, and also because it marks those efforts at self-education that filled up his scanty leisure. It notes how he construes Virgil with difficulty, learns the Greek alphabet, is puzzled by logarithmic tables, begins algebra, practices equations. His French is defective—he exercises himself in writing part of his diary in that language, jots down memoranda on the pronunciation of English with a view to an essay, and comments on the books he reads. Of grammar he says, when giving a course of lessons upon it to some members

[1] A report of the artizans' meeting was published in the shape of a pamphlet, to which he wrote a preface or introduction. He did not, however, retain a copy, and in later years the only one he knew to be in existence was in the library at Brougham Hall.

of the Brotherly Society [1]—'But how little do I know of that 'intricate, unphilosophical subject myself! Grammar as a 'science is certainly in its infancy, as a lore it is in its dotage.'

The diary mentions a Debating Society formed in conjunction with John Steer and George Edmonds.[2] Matthew holds a long controversy with the latter as to whether science and learning are species of knowledge. 'I believe,' he says, 'that 'we at last agreed that they are. I defined knowledge to be '*that which can be remembered.*'

Recording the title *Memoirs of the Margravine of Bayreuth, Sister of Frederic the Great,* he exclaims, 'Great what? Why, 'great scoundrel, most assuredly,—an ungrateful tyrant, an 'ambitious butcher!' And after reading the second volume of Voltaire's *Mémoires,* he writes, 'Thank God I was not born a 'Frenchman! The humour with which he envelopes the crimes

[1] A Mutual Instruction Society founded by his father and other members of the Unitarian body.

[2] Of bold and original mind, Edmonds possessed also great versatility, combined with an extreme tenacity of purpose. At this time he was immersed in mechanical inventions; later he took so prominent a part in political affairs that he brought himself under the cognisance of the law. But an attempt to form a Universal Language was the great enterprise of his life, which had nearly reached its close when he published his *Universal Alphabet, Grammar, and Language; to which is added a Dictionary of the Language.* (Griffin and Co.) 'Mr. Edmonds' *Universal Language,*' says Professor Earle, 'is not to be judged by 'the standard of utility. He was mistaken in thinking he could make a language 'that would, or that could be used. His labours are really transcendental, but 'they are not therefore wasted. As a foil, or contrast to natural and spontaneous 'language, they teem with a host of valuable suggestions. He was not the first 'who thought of a universal language. Several great names are associated with 'this idea, and especially those of Bishop Wilkins, and Leibnitz. The philosopher 'cannot but lament the imperfections of natural language when he seeks to 'represent exact thought. Hence the wish for a more perfect instrument, and 'the idea of an artificial language which shall be unequivocal, logical, and 'uniform in all co-ordinate processes. Mr. Edmonds considered that Wilkins 'effectively laid the foundation of such a language, and he followed on the same 'lines. But he claimed to have improved the system in respect of voice and 'euphony, wherein Wilkins was deficient. Considered as an effort, Edmonds' 'work is astonishing and admirable. Nothing but an intense enthusiasm, joined 'to great strength of purpose, could have carried him through this heavy and 'solitary work; and it is a real comfort to see that he had, at least, the reward of 'joy in the contemplation of his achievement. He says in his Preface:—"I '"venture to affirm my own conviction, that this Philosophic Language far '"surpasses any other language in the world, in beauty and simplicity, in '"euphony and dignity."'

'of the King of Prussia—too horrid to be endured by an 'Englishman.'

But now occurs the most characteristic passage in the diary:—'In reviewing the occurrences of the closing week I 'find many things which may have been better. I find a general 'want of close and vigorous application. I have been but twice 'up before daylight [he was writing in December]; I must exert 'myself to break my habit of late rising. I cannot recollect to 'have accomplished much, and'—in the following remark he strikes the key-note of his life—'I cannot call to mind a single 'act for the general good of society—I mean any *supra* duty. 'I most earnestly hope I shall have a better account to record at 'the end of the ensuing week. Amen.'

The clear delivery, which was of important service to him in his professional career, he owed to the care bestowed on his utterance by his father in childhood. To it, and to the reputation his father had acquired in the treatment of defective speech, Matthew was indebted for an acquaintance which proved of much social pleasure and advantage. In the spring of 1813 an application came from Lady ——, residing near Wolverhampton, to undertake the cure of two nephews living with her who suffered from stammering; and it was accordingly arranged that he should give them a course of lessons. The engagement took him weekly to her house, where he was soon regarded rather as a welcome guest than merely as a tutor; and the life on oiled-wheels, as it were, under the roof of his kind and courteous hostess, contrasting with the labour and responsibilities daily encountered at home, made his visits a delightful relaxation. The lessons were continued till their end was attained. Many years afterwards, when the *ci-devant* teacher was visiting Ireland, the survivor of the two pupils—whose estates were in that country—recognizing in the Recorder of Birmingham his former master, came to call upon him in Dublin. Mr. Hill was gratified by this friendly recollection—and especially pleased to find, in the course of conversation, that the cure had proved a permanent one.

The Peace of 1814 threw open the Continent to English tourists, and crowds flocked to Paris. Matthew was fired with ambition to

visit the French metropolis, and at length achieved his end. His letters give a lively narrative of the journey. Compared with the rapid transit of the present day, his progress was tedious indeed. Eight hours were consumed in travelling from London to Brighton, and more than forty-five between that town and Dieppe. Moreover, he was delayed a whole day at Brighton while a clean bill of health was procured for the vessel in which he was to cross, because the French believed the plague to prevail in England!

'Dieppe,' he tells his parents, 'seems as if it had belonged to 'the Sleeping Beauty—as if it had been deserted till every door 'has lost its paint and every lock become rusty.' In a book-seller's shop at Rouen he makes a crowd of people laugh heartily by telling them what tales were believed by the English concerning the treatment of their countrymen in France.

After he had been some days at Paris, he writes—'I have not 'yet done wondering at this most wonderful city.' He is marvellously pleased with the Conservatoire des Arts et Métiers, but wishes his brothers Edwin[1] and Rowland had seen it instead, as they would have enjoyed it much more. He visits the archæological collection, so arranged by Lenoir that it presented a history of the Arts in France. Of the Jardin des Plantes, where the menagerie pleased him most, he says—'If I had not 'already exhausted all my stock of superlatives, I certainly should 'end them here.'[2]

'I went to the Luxembourg,' he continues, 'and saw the 'pictures of the celebrated David. They are very unpleasing '—quite hard, as the painters say. They are placed, as if to

[1] Edwin, next in age to himself, was born in 1793. He possessed a remarkable gift for mechanical invention, which showed itself continually in beautiful contrivances. In the Stamps Department at Somerset House, of which he was Superintendent, he completely remodelled the machinery in use, thus effecting a pecuniary saving to the nation of many thousands a year; while he reorganised, equally to the advantage of the service, the staff under his command. He was the inventor of the well-known machine for folding envelopes, to which Mr. Warren Delarue added improvements. Almost every branch of social science, but especially the prevention of crime, engaged his attention, and he was an able writer on Currency. He died in 1876.

[2] For some years after this date there were no public Zoological Gardens in England.

'show the power of contrast, very near to some of Rubens', 'whose poetry of colouring makes David's appear even dryness 'itself. But it is impossible to describe these things; I wish 'Rowland could see them. From the Gallery I went to the 'Palace of the Legislative Body, now the Chamber of Peers. 'This palace is composed—but stop, I can't describe it! It is 'the abstract—the essence and the quintessence of splendour. . . 'The mighty genius who produced it is fallen. Ah! if instead 'of the petty, the futile, the contemptible ambition of being a 'conqueror, he had by giving the French real national liberty, 'become the greatest man the world ever produced, what is 'the degree of human excellence at which France would not have 'arrived! But I must stop that string or it will vibrate all night.'

Among the English in Paris at this time was Mrs. Siddons, and he used to relate how, meeting her in the long gallery of the Louvre, her stately person seemed to tower above the crowd. Yet her height was not really extreme—that it appeared so was due to her dignified bearing. Many years afterwards, Joanna Baillie, referring in conversation with him to the effect this produced, said she had been present when a child remarked to the great actress—'Mrs. Siddons, they say you are tall, but 'you are not any taller than mamma.' 'No, my dear,' she answered in her impressive voice and measured tones—'I am 'not tall—but I have a tall manner.'

One day he found himself in a crowd outside a building where the representatives of the Allies were assembling for a conference. A gentleman in plain attire rode up, attended by a single groom, to whom he threw his bridle, and, dismounting, claimed admittance; he was not recognized, and had to announce himself. The words—'*Je suis l'Ambassadeur Anglais*,' with their undisguised insular accent, thrilled through the young Englishman. No title in the world at that moment conveyed a greater sense of power.

Yet Wellington had his culminating victory still to win; and curiously was the struggle to come prefigured at one of the theatres to which his young countryman resorted. On the magnificent velvet curtain had been embroidered, while Napoleon reigned supreme, the imperial eagle. This on the return

of the Bourbons had been hastily overspread with corresponding material displaying the Fleur de Lys. But the patch was just too small, and above and below appeared the eagle's beak and claws!

The Rue de Rivoli then recently laid out, had little restaurants, much like sheds or lean-tos, built against the *grille* of the Tuileries gardens. Boys stood at the doors of these restaurants to announce the viands within, who, when English persons appeared in sight—then as distinguishable from the French as if they had come from an island in the South Sea instead of across the Pas de Calais—cried in *crescendo* tones, '*Rice-milk, Bif-tik, Ros-bif;*' the climax being attained by the slow and solemn enunciation of the words—'PLOM POUDIN!'

In those days every purchase in France was matter for bargain. Forewarned on this point, Matthew, who intended to buy for his mother a silk dress, and had ascertained what he ought to pay, entered a mercer's shop, and asking for the article he wanted, inquired its price. 'I have been told,' said he to the shopkeeper, 'that it is the custom in Paris to ask 'much more for your goods than they are worth, and then 'to go through a course of bargaining till the price is brought 'down to its proper level. This would be tedious to me—'in fact, a mere waste of time; so I have brought a book, 'which with your permission I will read, and thus fill up the 'interval necessary for the process. When this is accomplished 'let me know,'—and suiting the action to the word, he sat down. No doubt he was aware the sense of fun natural to the French would prevent his speech from being regarded as offensive. After a short pause the man smilingly reduced his price a trifle;—'Would *Monsieur* give so much?' 'No; and do not 'interrupt me too soon.' Again a pause, followed by a second reduction, but still of insufficient amount. 'Now,' said the reader, 'you have distracted my attention at a very interesting 'passage; pray do not speak again until we can finish our 'business.' A third interval—the customer intently engaged with his book. At length the Frenchman, yielding to the humour of the scene, burst out laughing, named the proper price, and the transaction was concluded to the satisfaction of both parties.

CHAPTER II.

Chooses the Law as a Profession—The Le Chevaliers—Their Case—*Morning Herald*—Lincoln's Inn—Dining in Hall—1815—Margaret Bucknall—Waterloo—Art Treasures at the Louvre—Cobbett—*Sunday Review*—Literary Employment—The Elgin Marbles—Engagement to Miss Bucknall—The Attack on the Prince Regent—Hill-top Exercises—Abernethy—The Theatres—Fuseli—"The Eccentrics"—Public Speaking—The Hampden Clubs—The American Roscius—Masquerade at the Opera——Reporting in the Commons—Burdett—Booth the Actor—Spa Fields Meeting—Dragooning in 1817—Popular Distress—J. P. Davis—Lecture by Thelwall—Waverley Novels—Studies in the Classics—"Castlebuilding"—Brougham and Romilly—Blackstone—Coventry Election—Wooler—The Leasowes—Plan of Life—Charles Pearson—Royal Academy—Mathews and the two Smiths—Manchester Massacre—Marriage—Call to the Bar.

THE position of a schoolmaster in a provincial town sixty years ago could not satisfy the ambition of Matthew Davenport Hill, nor had it ever been congenial to his tastes. He now resolved to fulfil a desire cherished from early boyhood, and adopted the Bar as his future career. The step was bold—even rash. No Birmingham man had yet entered that branch of the legal profession; and it would have accorded as well with the common feeling of the inhabitants to say—'I will be a bishop' as—'I 'will be a barrister.' His decision obtained only the assent, not the approbation of his parents; and when it became known to his acquaintance, who gave him little credit for the possession of powers he felt sure would win success, he was scoffed at by some, pitied by others, and regarded as a madman by all. Nor was their opinion unreasonable, for besides his choice being without precedent, he had no connections who could assist him, and his father was unable to bear the cost of his professional education. Cast in great measure, therefore, on his own resources he

seized every opportunity of acquiring the knowledge pertaining to his profession. A valuable one soon fell in his way. He became acquainted with a French naval officer named Le Chevalier, who had come to England as a prisoner of war, and whose wife, an Englishwoman, had a claim to a large estate, but with a doubt in her title which led to prolonged litigation.

Matthew studied every legal point which bore upon the case, and acquired a mass of professional information he might otherwise never have obtained. He was thus enabled, although his friend's cause was decided before he was called to the Bar, to give important aid in its progress. In 1818 he wrote an argument upon it, which elicited from an attorney of more than usual talent and information the remark—'I could do nothing 'like this.' Looking at the document after the lapse of thirty years, he was himself of opinion that he could not even then have written it better, as regarded either manner or matter.[1]

The adoption of the Bar as his profession caused no immediate change in the young man's occupation; for, although entered at Lincoln's Inn in 1814, he did not begin to keep his terms until nearly two years later, nor finally quit his father's house to take up his abode in London till the end of 1818. During this period he was invited to join the staff of more than one London newspaper; but the invitations were declined—probably owing to the difficulty of his being spared from the school, and also to the feeble state of his health. To the *Morning Herald,* one of those which sought his services, he indeed sent occasional contributions; and when, a few years later, he spent much time in London, he both wrote and reported for that journal.

Of his first dinner at Lincoln's Inn he has left an amusing description which, with a slight change here and there, would equally apply to "dining in Hall" at the present day.[2]

[1] The MS. was written with ink of his own manufacture. He was scarcely less pleased to find from its blackness how well it had stood the test of time, than with the proof of early mental power the argument itself afforded.

[2] The Hall in which he dined now forms the Court where the Lords Justices of Appeal sit for Chancery business.

Until recently, eating dinners at the particular Inn at which the student had

'I was struck,' he says, 'with the skill which has been 'displayed by the governors of this venerable institution to 'excite emulation in the mind of the student. The panels of 'the wainscot are covered each with the arms of some great 'man, who once sat at the board, carving, perhaps, from the 'very pewter dish which he has just attacked.[1] Then, the 'delightful professional perspective which is preserved! The 'students at the lower end; in the middle the barristers; 'while elevated on the dais, and ranged at the table—which 'sometimes bears the awful weight of the great seal of England '—sit the Benchers; and, to crown the whole, upon a still higher 'elevation stands the chair of the Lord Chancellor himself! . . . 'At length I heard the side-board at the upper end of the 'Hall struck three times with a wooden mallet, upon which 'the chaplain, who dines with the barristers, arose, went to 'the Benchers' table, and I suppose uttered the usual words 'of thanksgiving, for I clearly saw his lips move. I was 'now about to depart; but I heard the "Exercises" called 'for. I was anxious to witness an ordeal through which I 'myself was to pass, and remained in my seat. I knew 'that, anciently, the students were engaged after dinner in 'legal discussions; I had been told that their spirit had 'somewhat degenerated, but I was not quite prepared for what 'I witnessed. The student's argument is now written out for 'him on a slip of paper no larger than one's hand. Holding 'this he walks up to one of the barristers to whom he mutters 'out a few of the words, the barrister then gives a nod to 'signify that he has heard enough, the student bows, gives up

enrolled himself, or merely attending for a few minutes at the dinner-hour for five times during twelve law terms (each term lasting about three weeks—there being four of them in the year), and paying the necessary fees, comprised the whole qualification for a call to the Bar.

[1] The Arms of the Benchers are put up after passing the Treasurer's chair. Those of Mr. Hill have their place in the window at the south-east gallery in the Library, and also in the east window of the Chapel. On the face of the clock on the mantelpiece in the drawing-room are his initials, thus :—

T.
M. D. H.
1849.

—the date being that of his Treasurership.

'the paper, and departs. This lesson in law-fiction being 'repeated nine times, the scholar is considered perfect.'[1]

Before this absurd ceremony could be gone through, a barrister belonging to the same Society had to certify that the student was a fit and proper person to be called to the Bar. When Matthew's time for reading Exercises approached he did not know a single barrister of Lincoln's Inn, and to get the required certificate gave him a fortnight's hard work.

In the summer of 1815, he and his brother Rowland visited Margate, with their mother and some young friends; one of these was Miss Margaret Bucknall, the lady whom Matthew afterwards married. The nation was in transports of delight at the victory of Waterloo, and the final overthrow of Napoleon. Margate was full of officers who had taken part in this last campaign, and were the objects of enthusiastic admiration. The battle—the victory—were constant themes of conversation, and the young people resolved to visit the scene of our great triumph. The project was to cross to Ostend in an open boat, and thence make their way to Waterloo. Mrs. Hill prevented the hazardous scheme from being fulfilled; but that it could be entertained at all shows to what a height popular feeling was excited.

In a letter written at this time to the *Morning Herald*, Matthew attacked the party who opposed the restitution to their owners of the art-treasures brought to the Louvre by Napoleon. Such a dispersion, it had been argued, would inflict an irreparable injury on Art, it being assumed that the collection could be placed nowhere so conveniently for artists as at Paris. But apart from the danger of war again shutting out other nations from France, the writer objects that so vast a collection tends rather to satiate than to delight; and that to the European public, who had as much right to be considered as the artist, the pictures and statues would be much more accessible if scattered over the Continent than centred on one spot. Casting aside a proposal to bring the Apollo Belvedere to England, he reminds his readers

[1] The reading of Exercises is abolished: now the student walks up to the Bar table an equal number of times, his name being called out by the appointed officer.

that she—'sits as Arbitress. Her fiat is all powerful . . . Her 'slightest movement will furnish a precedent for posterity; 'which will not be able nicely to weigh her motives, and 'judge between right and wrong where the balance at all wavers. 'Let it then be her anxious wish that when her acts shall be 'viewed through the perspective of future ages—when all the 'finer traits shall be lost in the distance—they may present bold 'features of wisdom and rectitude.'[1]

When the intoxicating joy caused by the victory of Waterloo had subsided, the miserable state to which the nation had been reduced became apparent. Protective duties on foreign corn reproduced the war-famine prices of 1812. The exhausted Continent afforded no market for English goods, while the Government desired to increase rather than to lessen taxation. Nor could the people (on whom the burdens fell most heavily) make their voice heard in the councils of the nation. Even the mercantile and manufacturing classes had as yet attained but a small share of parliamentary representation.

In November, 1816, Cobbett, by lowering from one shilling and a halfpenny to twopence the price of his *Register*—which held reform in Parliament to be the cure for all existing evils—placed it within the reach of even the cottager. Thenceforth it was an element of disturbance among the people, and of alarm to the Government.

Whether the success of Cobbett's publication had any connection with a scheme in which Matthew took part is not known, but about this time he was in London trying to carry on—in conjunction with his friends John and Samuel Steer, whose chambers he shared in the Temple—a weekly journal called the *Sunday Review*. Probably they bought the newspaper, which had been established for thirty years. Its politics, indicated by its motto—"*Pro rege saepe, pro patriâ semper*," were courageous in the extreme. It fearlessly attacked abuses, advocated radical reform, and laid bare the unjust proceedings of minor authorities, who acted under the protecting shadow of the Government; but at the same time it repudiated any resort

[1] The letter concludes with the terminals of his name, 'W. T. L.' which occasionally through life he used as a signature.

to violent measures for obtaining relief from the wrongs under which the people groaned.

From the beginning of 1817 Matthew spent more of his time in London, repairing thither to keep his terms. Full of life and energy, which indeed often led him to overtax his strength, 'a jewel in a frail casket,' his father had affectionately designated him, his occupation was constant and very varied—reading law, reporting in the House of Commons and at public meetings, writing for the newspapers, making friends, seeking on every side useful connections, and never leaving a stone unturned which might legitimately further either his own or his family's interests.

To fail himself in the achievement of aught considered worth beginning was unendurable, at this or any period of his life. And in others he could not brook it, until every reasonable means of success had been exhausted; though in after years, when sure that adequate effort had been made, no word of blame passed his lips, whatever the consequence to himself. This characteristic became more apparent when the pressure of business and declining strength compelled him to leave all private affairs in the hands of others. With responsibility he gave power, and cheerfully accepted the result whether favourable or not. On the other hand, it must be admitted, that while absolutely forgiving of failure where due pains had been taken, indifference or carelessness provoked his anger; and even of stupidity he was impatient, giving way to irritation at blunders caused rather by natural incapacity than by wilful neglect or lack of care.

He was now in his twenty-fifth year, of middle height, broad but not otherwise stout in figure, and extremely active. In a letter to a friend he speaks of himself as one whom—'all the 'world had set down for a queer, odd fellow, with some talent to 'be sure, but no manner—an awkward rogue who hardly knew 'how to put on a coat the right way outwards.' By the reports of others he was, though not handsome, possessed of a countenance singularly attractive in its combination of sweetness and vigour, while his genial nature and store of knowledge made him a welcome companion wherever he went.

Early in the year he became engaged to Miss Bucknall. As

little children they had occasionally met. In youth they had been frequent guests together at the house of relatives of his residing at Kidderminster, where she lived; and at that of a common friend with whom both were special favourites. To this friend, possessing, as he did, in a marked degree, the power of beneficially influencing the young, they owed much mental development. Her literary tastes and interest in public affairs enabled Miss Bucknall to enter into the pursuits of her future husband, with an enthusiasm peculiarly grateful to one to whom sympathy was a necessity of life. Their correspondence during the three years which preceded their marriage, and a diary Matthew kept at her request during part of that time, both of which touch on the political and social events of the period, are not without their historic value. From them the following extracts are made. His first letter to her from London mentions an article of his in the *Saturday Review*,[1] on the attack on the Prince Regent when returning to Carlton House after opening Parliament—an outrage which led to the suspension a few weeks later of the Habeas Corpus Act. The writer deplores the attack as a grave misfortune, and assures the people that if order be preserved their cause is in their own hands. He dissents from the advice given by the *Morning Chronicle* that public meetings should cease, and urges their repetition as the only way by which the masses can learn alike the source of their misery, and the means for its removal. 'No voice,' he concludes, 'will be loud enough 'to reach the ear of power, but the roar of assembled thousands.'

To Margaret Bucknall.

'TEMPLE, *Jan. 29th*, 1817.

'. . . While I was writing to you this morning I was in-'terrupted by the entrance of an old patriot, Captain Perry—'Sampson Perry, a friend of Tom Paine and author of an 'excellent history of the French Revolution. He was imprisoned 'by our Government, during the suspension of the Habeas Corpus 'Act [probably in 1794], for seven years on account of what they 'were pleased to call a libel in the *Argus*, a paper of which he

[1] An edition of his newspaper issued a day earlier for the provinces. It was not successful, and was soon discontinued.

'was proprietor and conductor. He is a fine old man, possessing 'all the fire of youth. His face, which is furrowed with age and 'care, is every now and then lighted up with the enthusiasm of 'boyhood, and though his hopes are lowered by disappointment 'his heart is not shut against confidence. He says he can intro-'duce me to Curran. I am also to be acquainted with Young '[the actor]. A falling off you will say, but it was natural to put 'the best first, was it not? I think I shall learn something in 'elocution from him.

'I am thinking of republishing the *Hill-top Exercises*.[1] I am 'in the way of making a market of these things, and every 'penny is of importance to me, because though I draw what-'ever I please from home, I know that there is nothing to spare 'there, and spend as little as I possibly can. You of course 'ought to know these things betimes.

'*Feb. 3rd.*—I went with Dixon [a medical student], to 'hear a lecture from Abernethy on "Local inflammation," with 'which I was much pleased. Abernethy sat in his easy-chair, 'and taught his pupils in a conversational tone the details of 'the subject; and even went so far as to explain at length the 'simple process of making a bread poultice. He is a fine clever 'fellow, without a grain of quackery—and by-the-bye, it tells 'well for mankind that the *first* men in every profession should 'be those who despise the petty arts by which the cunning 'think to "get on"—I hate the term! . . . Yesterday I bought 'a selection of Goldoni's Plays in Italian. I shall send it if 'I have an opportunity, because I want you to find a scene or 'two that will do for the *Exercises*. Don't be afraid of attack-'ing it at once. If you can't make out an expression, leave 'it, you may hit upon it in an hour's time—read on, some-'thing else will elucidate it. I have found it a good plan to 'rough-read a book, get into the style, the author's manner, &c., 'and then go over it again. You know what are the requisites 'for an extract in a foreign language. It must be something 'worth translating independent of context, and allowing of 'pantomime in the performance, to interest those who do not 'understand it. 'M. D. HILL.'

[1] Readings and Recitations by the pupils at his father's school.

'*Feb. 7th.*—You give another proof (if proof were wanting) 'of the consimilarity of our tastes by quoting the very sentence 'of Curran which I had marked out as one of the finest in the 'work. Oh! Margaret, that is the work which frightens me,— 'that and Erskine's Speeches rise before my eyes, and bar up my 'way to fame like a range of Alps![1] I have been but thrice to the 'theatre since I came to town. Kean's *Oroonoko* is very unequal; 'there is too much declamation for him, and his declamation 'is never good. The humorous Lieutenant drags, and Miss 'O'Niel's Widow Cheerly, though better than I expected, is not 'worthy of her.

'Last night I went to the Academy to hear a lecture from 'Fuseli. He is a Swiss by birth, and evidently a foreigner by 'his accent; but he is a glorious fellow. You can't think how 'I was delighted—the rough energy of his English struggling 'against and conquering the pettiness of his dialect. It was the 'St. Lawrence rushing between the rocks of Niagara!

'M. D. HILL.'

The character of the "Eccentrics," a well-known club or debating society, may be gathered from its name. More than one public-house is mentioned in Peter Cunningham's *Handbook for London* as the scene of its gatherings. Matthew's next letter describes a speech he made at this club. Contrary to custom, the subject of discussion was serious. It arose out of a motion to remove the society to another tavern because some of its members had been insulted by their present landlord. Matthew spoke fourth in the debate. His audience numbered between sixty and seventy; they were chiefly law students, older than himself, and as might be expected he rose with trepidation. But soon—'elated by the cheering of 'the audience, I felt the flow of speech come over me. I 'spoke not only with fluency but rapidity. What I said I 'hardly know, but I defended the conduct of the opener,

[1] In answer to this Miss Bucknall writes:—'Why do you suffer the eminence 'of Erskine and of Curran to affright your imagination? Instead of a range of 'Alps barring your way to fame, regard them as a highway opening to your 'prospects, furnishing you with information, and leading you to the goal at 'which you would arrive.'

'and strongly objected to receive any apology which had any '"ifs." However, the *finale* was that I sat down amidst 'thunders of applause.'

Misgivings, however, lest attendance at these meetings should be a source of anxiety to Miss Bucknall, and even of danger to himself, led him to join with other fellow-students in the foundation of a society for serious discussion, which would equally well supply the opportunity for cultivating the power of speaking afforded by the "Eccentrics." His speech had won him reputation, and was probably the cause of his being appointed chairman at the first debate of the new association. The subject of the second—"Was the discovery of Justinian's "Pandects favourable to the interests of Europe?" shows that the society addressed itself to the study of the civil law, which had at that time fallen into abeyance.

To the cultivation of the art of public speaking he devoted much time when at home, by debating with Edmonds on a great variety of topics. The suggestive remark made by Matthew in one of these discussions, that among the chief sources of effective oratory is personal courage, had confirmation in his own subsequent success as a speaker. In circumstances involving danger to himself alone, it is believed he did not know what fear was.

To Margaret Bucknall.

'TEMPLE, *Feb. 10th*, 1817.

'This morning I went to the British Museum to see the 'Elgin marbles. I was afraid I should not have been able to 'understand their excellence, but I was. My dear Margaret, till 'you see these you will have no idea of the power of sculpture! 'Artists, and indeed all who have studied anatomy, are struck 'with the truth of conformation which they exhibit. This was a 'pleasure which I was not able to enjoy to much extent; but I 'was able to admire the beauty of the figures, the exquisite grace 'of their attitudes, and the astonishing elegance of their drapery. '. . . Such an account as this can only serve, like the hung beef 'and brandy of the northern nations, to whet your appetite '—I promise you a dinner when I see you . . . Bring *Ossian*

'with you. I shall be back in three weeks. Connectedness 'is one great beauty of style! *Exempli gratia!*

'M. D. HILL.'

To the Same.

'*Feb.* 14*th.*

'I have been working at Payne to-day.[1] I think I shall make something of him—but I will give you my diary for 'yesterday. Ran all over London till four o'clock. Popped 'upon Edmonds, rode with him to Sir Francis Burdett's; Sir 'F. gone to the House; followed him; Sir F. had left the 'House—I came back; drank tea with a friend; put Edmonds 'into Covent Garden to see Booth (a man of some talent); went 'to chambers, wrote part of a leader. . . . Dressed for the mas- 'querade; ate some supper, and wrote again. Half-past twelve. 'Steer came and dressed. Went to a friend's, masked. Five of 'us set out to the opera-house, two ladies, three gentlemen, they 'strolling players, I the manager. All very dull—want of spirit 'in every department. Set Steer to rant for an engagement; he 'ranted and the people stared, but nobody assisted in keeping 'up the joke. We went about two, departed about five; came 'home, went to bed.'

'*Feb.* 25*th.*—Yesterday morning I received a note from 'the proprietor of the *Morning Herald*, requesting me to 'assist in last night's debate, as it was expected to be heavy in 'both Houses.[2] I went down to the Commons at three; the 'gallery was full. Somebody had reserved a place for John 'Steer. He staid and "went on," as it is called, first; at six he 'was relieved, at half-past seven I went into the reliever's place. 'It was with much difficulty I could prevail upon the people 'gathered round the gallery door to let me pass. At length by

[1] He was giving John Howard Payne, the "American Roscius," lessons in elocution to prepare him for his *début* in this country. Subsequently he says:— 'Payne is going on well; I have the greatest hopes of him. I wish the piece 'were better. It is *Adelgitha*, by M. G. Lewis—the part is Lothario.'

[2] In the Lower House Lord Cochrane moved, at great length, that Henry Hunt's Petition be read. There was also a long debate, in which Burdett, Brougham, and Canning spoke, on the Report of the Committee of Secrecy, referred to at p. 28. At this time the reporters and the public sat in one gallery of the House of

'pushing, threatening, and coaxing, I got in. When I entered 'Sir Francis Burdett was speaking. I did not know him for 'some time, but guessing it was he I did not like to ask, as 'my ignorance of such a celebrated man would have at once 'betrayed my newness. Well, there I sat down, took out my 'book, and began to make notes. I did not find it very difficult. 'Indeed I have, as you know, reported once or twice before, 'though not in the Commons. At half-past nine I was relieved. 'I then went to the office and wrote out the speech upon little 'slips of paper, and as fast as I wrote them the printer took 'them away. Experienced reporters would have finished in 'three hours—I was five, and worked hard. . . . At half-past 'eight I was obliged to rise, to fulfil an engagement with Payne, 'who does not come out till Tuesday. I am now going to 'Covent Garden to report (for the *Herald*) the expected row 'with Booth. 'M. D. HILL.'

Booth had quarrelled with the proprietors of Covent Garden Theatre because they had offered him only £2 a week, a proposal he regarded as an insult. He then made an engagement with the rival house, Drury Lane, and was advertised to appear there. On the appointed night the theatre was filled, the public considering that the actor had been ill-used at Covent Garden. But instead of Mr. Booth, the manager came forward to apologize for his absence, by announcing his illness and retirement to the country. But the truth soon oozed out. He had returned to Covent Garden, because, as it was believed, he had found the parts suited to him appropriated, at Drury Lane, by Kean. The public, indignant at this dishonourable conduct, determined to punish Booth. In a lively article contributed to the *Sunday Review*, Matthew describes the penalty they inflicted. The theatre was crowded to excess. Lucky was he who, at half-past six, could, even for a few minutes, look through the glass of a box door. No sooner had the curtain risen than the audience, by their shouts of

Commons, to which there was but a single door; consequently, when strangers were ordered to withdraw, no one desired to be the first to quit the gallery, because he would then be the last to re-enter.

"Off, off! Take off the liar! No shufflers," quickly drove the unhappy actor from the stage. And though during the performance of the play Booth made several attempts to obtain a hearing, by exhibiting placards, such as—"Grant silence for explanation"—"Mr. Booth wishes to apologize"—"Can Englishmen condemn unheard?"—all were in vain. The mob would neither allow him to speak, nor a syllable of the play to be heard; and the curtain fell at length, amid the wildest uproar and confusion.

But now a very different subject was to engage Matthew's attention. The Hampden Club, founded in London in 1812, had planted offshoots in many of the provinces. Established in the first instance for the reform of Parliament through strictly constitutional means, these associations had now become objects of suspicion to the Government. They were characterized, whether justly or not, in the Report of a Secret Committee of the House of Commons, as professedly desiring reform, but really, in regard to a large number, as intending nothing short of revolution.

Meanwhile the Government itself was, with a sinister object, encouraging tumultuous gatherings. The Spa Fields meeting of December 1816—happily put down at once by the courage of the Lord Mayor, and one or two other persons, was afterwards shown to have been incited to riot by Castle, the Government spy. This discovery caused the prosecution of the elder Watson for sedition to fall to the ground; but he was yet in prison, awaiting trial, when Matthew wrote to Miss Bucknall:—

'These are dreadful times, and I much fear that duty will 'soon call on every man to range himself under the banners 'perhaps of physical force. God forbid! But the State vessel 'is now gliding between the Scylla and Charybdis of an ignorant, insolent, reckless oligarchy, and of an enraged, ungovernable mob, who would destroy without knowing how to rebuild, 'and whose wrongs would perhaps stimulate to the Samson-like revenge of involving themselves in destruction to ensure 'that of their enemies! There are a few, but alas! how few, who 'are attached to principles abstracted from their peculiar application, who can distinguish between the faults of a system, and 'the errors of those who have the direction of it, and who

'would be content to amend the one without punishing the 'other.'

On the 3rd of March the Habeas Corpus Suspension Act passed the House of Commons. Matthew tells his betrothed—'Steer asked me to sit down instantly, and write a leader. I did, 'and the recollection of our political state agitated me to tears.'

Within a week of the suspension a vast concourse of working men assembled at Manchester. This was called the "Blanket-"meeting," because many of its members bore blankets or rugs, knapsack fashion, upon their backs, their intention being themselves to carry to London the petition against their grievances. 'It is upon record,' wrote Matthew, in commenting upon the conduct of the authorities on this occasion, 'that British 'magistrates, aided by British officers, have obstructed the 'exercise of that right which has hitherto been held sacred 'by all parties—the right of petitioning. Nay, they went 'further; for not content with dragooning their peaceable fellow-'citizens off the ground, as they would have dispersed a mob 'of rioters, they dragged those who appeared to be the leaders 'at the meeting to prison. Thus are Englishmen treated, 'while acting in exact conformity with those laws which are 'held up to the world as protecting the poor as well as the 'rich!'[1]

In this month he returned to Birmingham. Here, by the entries in his diary, his time seems to have been occupied in writing for his newspaper, reading Horace, giving lessons, studying Blackstone, and investigating the condition of the indigent class in the neighbourhood.

'*March 30th.*—Went to Mr. Clark's to breakfast.[2] Inquired 'how he found the poor whom he had visited. He gave me 'shocking details of their distress—whole families literally 'without food of any sort, without furniture, without bed-clothes 'enough to keep them anything like warm.'

'*April 16th.*—Collecting materials, and reading for essay on 'the causes of present distress.'

[1] *Sunday Review*, March 30th, 1817.

[2] Mr. Clark was a Birmingham manufacturer, one of whose sons married Matthew's eldest sister.

The following passage from a letter to Miss Bucknall is characteristic as showing his contempt for an unreasoning compliance with the will of others. 'I have been reading 'Miss Edgeworth's *Modern Griselda*. This story used to 'frighten me, but now I have a triumphant certainty that 'you could never be a Griselda, either modern or ancient; 'neither a destroyer of your husband's happiness by frivolous 'opposition, nor a poor yielding submissive animal, not acting 'with her husband by either similarity of taste, or conviction 'of propriety, but by a blind and slavish obedience.'

An acquaintance made this spring with the artist, J. P. Davis, rapidly became a close friendship ended only by death. Matthew chanced to meet him first at breakfast, and so enthralled were they with each other's society that some one coming in at four o'clock in the afternoon found them deep in conversation, the breakfast things still standing on the table.

To Margaret Bucknall.

'TEMPLE, *May 6th*, 1817.

'. . . Davis puts me into a mental intoxication. I find his 'conversation more useful to me than any kind of study to 'which I could apply, surrounded as I am with bustle. We 'discuss most vigorously all subjects, and I lead the con-'versation, as much as possible without coercing it and render-'ing it stiff, to the points of my poetic creed on which I have 'any doubts; not so much for the purpose of gaining his ideas, 'or at least not for the purpose of adopting them, as to find 'a powerful stimulus to the development of my own. He 'excites my mental powers to their highest activity, and gives 'a creativeness to my imagination which, under other circum-'stances, I seldom feel it to possess. . . . We went to the Ex-'hibition. After we had looked at the pictures (very few good 'ones) we found that the Duke of Wellington was in the room. 'We sought him out, and followed him about. He was not much 'crowded, because not much known. We listened to his re-'marks, examined his dress, and felt a kind of gratification in 'seeing such a man engaged in the same occupation with our-'selves.

'Went to Payne's. We were joined by a very clever Irish-
'man named Sullivan—a fine fellow, pouring forth torrents of
'Irish eloquence and Irish wit, and by Sheil, the successful
'author of the new tragedy, acted for the first time on Saturday
'night.[1] He of course was intoxicated with his good fortune.
'Leslie,[2] a young American painter, was also there; Croly,[3] a
'giant, Payne, of whom you know something, and poor little
'I, reduced, as —— says, to my native nothingness. It was
'a high treat, but I cannot give you anything like particu-
'lars. That must be done *vivâ voce*. I met Thelwall in the
'morning, and engaged to go to one of his lectures to-morrow
'evening.[4]

'M. D. HILL.'

His criticism on the lecture (for the *Sunday Review*) shows considerable progress in literary power. It was on Shakspere; and he remarks that Mr. Thelwall thought it by no means incumbent on him to pore over the pages of a play, commenting on it passage by passage with a microscope, but rather chose to show its outlines and mark its contour. 'This is the plan of criticism which ought to be adopted,' continues the writer; 'critics are rather too fond of placing 'the spectator so near the object, that his attention is absorbed 'in the contemplation of the roughness of its surface, while 'the broad lines from which it derives its character are too 'vast to be taken into the field of vision. The critic of en-'larged mind, and powers germane to those of his author, (and 'no other should ever presume to have a voice on any sub-'ject) carries the spectator back till the object can be seen as a 'whole. He then points out its limbs and its features—that is

[1] Richard Lalor Sheil. The play was *The Apostate*.

[2] C. R. Leslie, R.A. He was born in London, of American parents, but educated in the United States.

[3] The Rev. George Croly, the poet and well-known wit, afterwards rector of St. Stephen's, Walbrook.

[4] John Thelwall, tried with Hardy and Horne Tooke in 1794 for 'compassing 'and imagining the death of the King.' Mr. Thelwall had visited Birmingham, more than once to give lectures, and Matthew had seen him as the guest of his father at Hill-top.

'to say, all its natural divisions, and comments on their excel-'lences or defects; but leaves to others the task of lauding each 'curl of its hair, or anathematizing every pimple and freckle of 'its skin.'

'*Diary, May 20th.*—Reported most of Burdett's speech on 'reform.' In a sketch of Burdett, Matthew says his speeches in the House of Commons were calm, elaborated, and often keenly sarcastic. 'He seems to speak rather from a sense of the truth 'and importance of the positions he is enforcing, and to leave 'his opponents without excuse, than from an expectation that 'any result will follow his exertions. His unshaken consistency 'for so many years, has given his character a weight with all 'parties, and he is listened to with great attention from all sides 'of the House. But the style of Burdett's oratory is very much 'changed when he addresses any other audience. Everywhere 'else he is the idol of his hearers; and his feelings are sometimes 'so roused by the change, as to produce a flow of deep and 'powerful eloquence.'

'I am going to see Talma to-morrow,' he writes to Miss Bucknall, on June 26th.[1] 'I wished to have attended his read-'ings, but cannot afford to pay a guinea for an evening's entertain-'ment. I have bought De Lille's translation of *Paradise Lost.* '*Paradis Perdu!* The very name is enough to damn it! I have 'read part of it, and find as much difference in the works as in 'the names. I have also bought a Tasso, which I send you. I 'want it read for my essay, so pray set about it. *29th.*—I 'have been reading the critiques in the *Edinburgh Review,* 'upon the *Tales of my Landlord.* I have only read the first 'of the stories — *The Black Dwarf,* so that most of the 'extracts from *Old Mortality* were new to me. The wit is 'profound; by that I mean that it does not depend upon 'happiness of expression, but is more piquant upon examination 'than it at first appears. Mause is a fine old creature, and I can 'hardly think the author a good man for not showing more 'contempt for that sneaking coward her son, who has not the

[1] Mr. Davis painted a full-length portrait of the great French actor, who, however, did not always sit to the artist himself; and when only the general *pose,* or the hands were required, Matthew sometimes took Talma's place.

'heart to follow her example.[1] But he seems to treat his 'characters as the actors of history "who are not to say more '"than is set down for them;" and to be sure the gap which lies 'between the author and his book wonderfully assists this 'illusion. You don't see the process by which he moulded his 'creatures into their shape; in fact they seem quite independent 'of him, and, as I before said, already found to his hands. '*July 2nd.*—I went to the play last night. Miss Somerville 'improves; she will rank very high, so will Keeley.'

'*Diary, Oct. 5th.*—I am amazed at the art of Cicero's orations, 'especially for Cluentius. The manner in which he introduces 'the plea that he was not within the law, is exquisite. But 'every art sinks before the majesty of Demosthenes! I am 'reading the *Metamorphoses* of Ovid, the favourite work of 'Milton; and I think I can trace some imitations of it in 'the *Paradise Lost.*'

Of the *Round Table* he remarks—'Hazlitt's style is generally 'a series of epigrams, but now and then he is truly eloquent. 'His papers on Milton are excellent. One of his ideas is that 'Milton always determined to say the best thing that could be 'said, and almost always succeeded. This gives one a good 'idea of the braced character of his style, so opposite to the 'carelessness of Shakspere, and yet highly interesting. Milton 'labours it is true, but his labours are those of a giant who 'makes every stroke tell. He is the Thor of poets, and wields 'his mighty hammer with tremendous effect. I seldom recollect 'to have felt more sorrow at finishing a book than I did this 'day in finishing this.' In reference to the Essay on Shakspere by Hazlitt, he says—'He is a clever man of a bad school; he 'understands his subject thoroughly.'

'*Nov. 25th.*—How much more easy is the dog-trot dili-'gence of compilers than the labour of original thinking! I 'have completely exhausted myself with studying my lecture '[on the Fine Arts].

[1] Scott was not yet known to be the author of *The Tales of My Landlord.* Mr. Hill's opinion of Cuddie Headrigg changed when he had read the whole of the story, and saw how Cuddie's love for his mother, and fidelity to his master, went far to counterbalance his canny endeavours to keep well with both the Covenanters and the Government.

'29*th*.—In walking to Mrs. ——'s I wished to have thought 'of my lecture, but unluckily I began castle-building. I could 'not bend down my attention to the subject.' The following passage from an unfinished sketch, if not giving the very thoughts which were then passing through his mind, indicates the occasional tenor of his day dreams:—'There has been a great 'deal of nonsense talked about castle-building; and indulgence 'in the exquisite enjoyment of *reverie* has been denounced as 'an eighth deadly sin. But it is the fault of the present age, 'or more properly of the age just past, to cultivate the reason 'exclusively, and to pluck up the imagination as a weed. We 'marvel that the cheapness of the pleasure did not recom-'mend it to the economists, who have been so long lords of 'the ascendant. You may build castles in the air without 'paying ground-rent, and your conscience and your pocket will 'never be alarmed by demands for any contribution to the 'support of pauperism; nor has the Court of Exchequer yet 'held that you are bound to pay the assessed taxes for castles in 'the air, under the words "all and every messuage, house, or '"tenement in your holding or occupation."

'In youth my reveries were magnificent. While my course 'of life was yet uncertain, I had the whole range of possibilities '"before me where to choose." I meandered through the *terra* '*incognita* of futurity at my pleasure, and my imagination re-'ceived a zest from the feeling that perhaps "they were not all '"a dream." At one time I was a soldier. I volunteered to lead 'the forlorn hope, and "bore a charmed life" against the storm 'of bullets. I planted my country's flag on the walls of some 'proud fortress, which till then had boasted its pucellage. 'Another day I was a traveller. I drank at the fountains of 'the Nile; I explored the Niger from its source to its mouth. 'I discovered the North-West passage. I had more courage 'than Bruce, more fortitude than Park, more strength than 'Belzoni, and more learning than Humboldt. I was less im-'pudent than Vaillant—and yet I told more extraordinary stories 'than all of them put together; and, to crown all, I was believed! 'Then, again, I was an orator, and in Parliament, filling the 'Ministry with terror, and the newspapers with my speeches,

'and allowed by the best judges to unite the excellences of all 'orators ancient and modern—the terseness of Demosthenes with 'the amplification of Cicero—the hardy strength of Fox with the 'magnificence of Pitt!

'When I grew older and my path was chosen, I gradually 'changed the character of my reveries; and I have now ceased 'to be at all times the hero of my romance. I have a theory 'about youth being more selfish than age, but I cannot afford 'to throw it away upon an episode.'

Matthew's efforts to make a certain income, however modest, had hitherto met with scant reward. 'If I could look forward,' he wrote to Miss Bucknall early in 1818, 'with any certainty 'to the future, I should be happy: but I cannot. How to make 'up £200 *per annum* I cannot think. 'Tis hard that a man who 'has spent so many hours in qualifying for literature cannot look 'forward to a mere bread-and-cheese support from it; nay, to a 'mere *bread* support, to say nothing of the cheese.' Still he strove diligently to satisfy this moderate ambition. A week later he tells her:—'Last night I reported for the *Herald*—I wrote nearly three 'columns and stood the task well, though I was labouring almost 'without intermission for nearly twelve hours. Well, I gained a 'guinea, and heard some good speaking, and improved myself in 'the power of reporting, and ascertained that my capacity for 'labour was not impaired. This was well, was it not?' And again—'*Feb. 3rd.*—You know my wish to give public lectures. 'Well, I asked Hunter, our bookseller, who is a man of the world, 'whether it would interfere too violently with etiquette. He 'promised to ask Basil Montagu of the Chancery Bar. This 'morning Hunter told me that Montagu had said he would by 'no means recommend it. He even doubted whether I should 'get my call after such a thing. Now that is discouraging 'enough. To be sure I doubt the truth of the fears of Montagu '—I mean their foundation.

'I reported Romilly, but carelessly forgot to send you a paper. 'It was by far the best speech I ever heard him make. . . I 'was struck with the superiority of Brougham over Romilly in choosing his instances so as to tell home.' Elsewhere he says:—

'Reported Tierney, ———, of the *Morning Chronicle*, was 'obliged to ask me a great deal of what Tierney said, and yet 'his report was better than mine. *Feb. 13th.*—I expect to 'see the spring quite advanced by the time I reach Kidder-'minster, but in town I know nothing about it. Nothing 'teases me more than not to know the season. I have for so 'many years been accustomed to see Nature in her simplicity 'that I cannot bear to view her merely under the restrictions 'of art. . . . Pray how do your literary affairs go on? I shall 'soon put Blackstone into your hands. I am anxious to make 'a lawyer of you. Perhaps you had better have Montesquieu 'to begin with. I suppose by this time you have read Beccaria. 'Be ready to give me an account, *par le menu*, of all these 'things. I am to be introduced to Hone[1] and Wooler,[2] so I 'shall have plenty to talk of.'

'*Diary, March 7th.*—Law maxims may be had for all occa-'sions. Blackstone takes care to apply them so as to fit. A 'favourite one with him is *cessante ratione, cessat lex.* I only wish 'this maxim to have its full operation, and that alone would 'produce reforms enough. What sport might be made in the '*Commentaries* by misapplying some of these maxims!

'*8th.*—Finished Blackstone's *Commentaries* this day. The last 'chapter is on the whole very good, though there are some 'strange excrescences in it, as when he says our religious liber-'ties were established at the Reformation, or talks of the increase 'of our liberties by Triennial, since turned into Septennial 'Parliaments!'

From Birmingham he writes to Miss Bucknall that he intends giving a course of lectures on History to his father's pupils:— 'This is the time to push the school I am convinced. Every

[1] William Hone, Editor of the *Every Day Book*, &c. He successfully defended himself when prosecuted in December 1817 in three separate trials, for publishing parodies on the Catechism, the Litany, and the Athanasian Creed. Later, Matthew writes:—'Hone has been here, and I have spent a good deal of time with him: he 'is a good, as well as a fine, fellow, and I never saw a man with whom I felt more 'inclined to make a friendship.' Letters from Hone, extending over many years, show a warm attachment on his side.

[2] Thomas Wooler, proprietor and editor of *Wooler's Gazette*, well known for his advanced political opinions. He was co-defendant with Major Cartwright and others in 1820.

'branch is now well taught—nothing is omitted; and if we can 'superadd what is not usually taught, without neglecting the 'staple, he must carry everything before him. These lectures 'will cost me very little more time than what I actually expend 'in delivering them. . . . Too much public speaking, you know, 'I cannot have, and it is difficult to have enough. Nor do I 'think these lectures will fairly come under the objection I have 'been afraid of for public *pay* lectures, because it is very natural 'for me to *give* contributions of this kind to those so constantly 'about me.'

The love of fun which brightened his boyhood and youth, and remained with him till the end of life, showed itself in lively banter in many of the letters addressed to his betrothed. But he was as ready to take as to give, and in the *persiflage* of his family circle enjoyed a joke against himself as heartily as when he carried off the laugh. 'Do you remember,' he writes to her on April 7th, 'the house which overlooked the pool? 'Well, that is finished and must be a delightful residence. 'I *think* I could be tolerably happy with such a house and '£500 a year, without fame, living quietly with one man servant 'and one maid servant. But then I should want some one to 'manage them, so I believe I must admit you at last, and then— 'good-bye to quiet! No more lounging away whole days with 'a long gown and a long beard. No more heaps of books on 'every chair in my room. No more sitting undisturbed for 'hours with my feet on the fender. No more sitting up as 'long as I please, and getting up when I please. No more 'cramming of books behind the pillow. Oh dear, what a rash 'step is marriage! But farewell, I have my books yet, and I 'must make haste and use them, or I shall look amazingly foolish 'on Thursday. Be a good girl, and I will not forget you when 'I have nothing better to think of.'

In this summer he first tasted an experience frequently repeated in after life—the intoxicating excitement of an election contest. 'My excuse for not writing,' he tells Miss Bucknall, 'is that on Monday evening at eight o'clock I had no intention 'of going to Coventry; at that time Edmonds delivered a mes- 'sage from —— inviting me to his house, and strongly urging

'me to come. At five the next morning I was mounting the 'coach. Since that time I have been in a continual hurry of 'mind and body. Yesterday Butterworth [the Tory candidate] 'withdrew, and we marched round the town in triumph. 'You ask whether I have spoken? Yes, four times. Once 'before Wooler, who expressed himself highly pleased; and 'three times at different clubs of the poor freemen.' In so fierce a struggle as this was, it is not difficult to rouse men's feelings. Still his success in carrying his audience with him 'in a gust 'of passion' as he describes it, shows the progress he was making as a speaker.

Radical as were his views, he had no sympathy with the bitter hatred and continued vituperation against their opponents in which his party commonly indulged. Wooler, one of its leaders, although not going to this extreme, yet permitted himself greater license than accorded with Matthew's sense of what was due to those who differed from him in opinion. 'This morning,' he 'writes to Miss Bucknall, on August 1st, from Birmingham, 'I 'am going to the Leasowes [once the seat of Shenstone] with Mr. 'Wooler. I was pleased to find he had taste enough to wish to 'see the place. No man can be thoroughly violent who ever opens 'his heart to the beauties of nature. Oh, that I could inocu- 'late every heart with this feeling—what a different world would 'it be!'

But however deep his interest in the popular cause, his profession had the first claim on his attention. His law studies were chiefly pursued, when in London, in Lincoln's Inn Library, at that time closed for some hours during the middle of the day. Chafed by so grievous a hindrance, he prevailed upon the librarian to lock him in, when the students and officials alike withdrew.

By the end of 1818, when he took up his permanent residence in London, the progress he had made fairly entitled him to look forward with eagerness to his call to the Bar, due after the lapse of another year. But suddenly his prospects clouded over, and to abandon his profession seemed his only course. A friend, on whose judgment he relied, the only barrister he then personally knew, told him that the chance of his win-

ning a fair subsistence at the Bar was hopeless.—'It will be 'a severe stroke,' he writes to Miss Bucknall; 'but with my 'Margaret I can bear anything. We will find a cottage, or a 'hovel, in which we will "hide our diminished heads." I war- 'rant I will maintain myself by hook or by crook—aye, and 'you too. Then I will study general literature, and write for 'the booksellers, or I will keep a school, or I will mend the 'roads; something I can do, and something I will do. I will 'not live without thee! If I saw a distant hope of success '[at the Bar], I would endure solitude with patience; but if I 'may trust my late discoveries almost all chance is at an end.'[1]

Happily more cheerful counsels prevailed. Miss Bucknall urged him to persevere; and Mr. Charles Pearson, the late City Solicitor, at that time in large private practice, assured him of ultimate success. He also invited him to work in his office, and so excellent an opportunity for professional training was gladly accepted. Matthew tells Miss Bucknall:—'I am busy 'in twenty cases, all of them difficult and important. I am 'very happy in my present employment. Pearson is very kind. 'I am learning more than ever I did in my life. I begin 'already to emerge from the thick darkness which but lately 'obscured my prospects.'

A day or two after this joyous letter he was attacked by sudden illness, the effects of which he felt for several months.

To Margaret Bucknall.

'LONDON, *Jan. 22nd*, 1819.

'On Saturday I went to Pearson (which produced a relapse) to 'take him an argument I had written on a difficult case. He

[1] Referring to an invitation he had received when on Circuit in 1835, to visit a client, Colonel Wildman, at Newstead Abbey, his wife writes:—'I wish you 'could have gone. What a grand imagination of Newstead Abbey I had in my 'days of Byron-admiration, and how I should like to throw myself back upon 'that memory, and then fancy what my feelings would have been if I could have 'anticipated the time when I should say—My husband is a guest there! Well, 'suppose it had been otherwise, and the vision of you with a barrow and a spade, 'which you once conjured up (with a hovel, and all to match), had been realised— 'why, still I should have had *you*.'

'was very much pleased with it. He has invited me for Thursday 'to meet a large party—Wood, Major Cartwright, &c. &c. 'If I am well enough I shall certainly go, for I want to be 'introduced to the Major. You can't think how irritated I am 'that just when Pearson is so busy I should have no power to 'help him. . . . Burke has been my principal companion in 'my illness. He is growing in my admiration. I have not 'written any more of his *Life*. [He had been asked to contri- 'bute one to Ryan's *Worthies of Ireland*, which was published 'in 1819.] I am not able at present, and I fear I shall be 'obliged to resign the task. . . . After all, I shall not regret the 'time I have spent upon him. He was a man whom I wished 'of all things to study; and I do not know how I could have 'done it (as far as I have gone), so effectually as by the mode 'I have taken. 'M. D. HILL.'

On April 9th he writes to her:—'Oh, if I could but have my 'health and my Margaret, I should sail before the wind! Well, 'I hope I shall have both. Depend upon it, if I find myself 'unwell, I will leave town, regardless of consequences. I never 'felt the importance of health more.

'I have been to the Exhibition. Davis has a portrait of 'Captain Manby, the inventor of the life-preserver. Alston, 'the American, has a glorious picture—"Jacob's Dream."' The impression made upon him by this picture was never effaced. After describing the skill with which (by their gradual recession into a blaze of light) the artist had given to the successive flights of steps an appearance of infinitude, he continues:— 'When the first flash of brilliance is passed, and the spectator 'can discern the different parts of this resplendent object, he sees 'the Angels of the Lord ascending and descending. At first they 'are mere spots upon the radiance, but as they approach, their 'forms become visible, and in the front of the picture they stand 'confest in all the beauty of heaven! Leslie, another American, 'has a very fine picture—"Sir Roger de Coverley and the Spec- '"tator going to Church." Upon my word, we must hold our 'tongues about the Yankees! However, they have learned their 'art in England.

'*May 20th.*—Dined in the city with Mr. Moffat, a rich man, 'and a friend of M. Le Chevalier's. After dinner he took us to 'see Mathews—much entertained with him. He is in mimicry 'what the *Rejected Addresses* are in parody. Both he and the 'Smiths have given rank to their art by the genius of their 'execution. . . . I went the other evening into the Regent's 'Park, and watched the sun as it sank into a dense cloud over 'Hampstead Hill. I like to get out of town by that side, 'because I imagine it was a favourite walk of Milton's, and 'that he thought of it when writing the description of a 'country walk in *Paradise Lost*.'

During the summer of 1819 the cry for reform in Parliament grew louder and louder. Open-air meetings in the metropolis and the provinces were held to urge it on.[1] The Government became alarmed. They resolved to indict Major Cartwright and others, for the part they had taken at Birmingham; while the sudden dispersion, by the military, of the great gathering in St. Peter's field, Manchester, resulted in six persons being killed, and a very large number wounded. A burst of indignation throughout the country followed this outrage, since known as the "Manchester Massacre."

To Margaret Bucknall.

'BIRMINGHAM, *Sept. 7th*, 1819.

'Have you read Pearson's letter, enclosing the returns of the 'wounded? What a horrible affair! We are going to have a 'medal sunk—the obverse, a troop of yeomanry cutting down 'the multitude—under it, "Massacre at Manchester, Aug. 16th, '"1819"—reverse, "To the magistrates and yeomanry of Man-'"chester: God confound them." Round the edge—"These '"things will not endure, nor be endured.—BYRON." Good God! 'Can a more horrid state of society be conceived than one in 'which all the evils of anarchy are combined with all the 'tyranny of despotism? Does not the very idea of govern-'ment include protection for the injured, and punishment for 'the injurer? Alas, what a reversal! Here the injured is 'punished, and the injurer protected. 'M. D. HILL.'

[1] Matthew helped in drawing up the resolutions for one held in Smithfield, on July 21st.

A circumstance related in Miss Bucknall's answer marks the detestation with which the yeomanry were regarded for the share their corps had taken in the Manchester tragedy. 'Yesterday,' she writes from Kidderminster, 'all the shops kept by 'cavalry [yeomanry] in the town were forsaken. The butchers 'found themselves at night with their meat unsold, and a determination has been made among the people here (those whom 'aristocrats are pleased to call the lower orders), not to buy a 'single article of a member of the cavalry.'

He replies:—'In your letter of Monday you said nothing 'about my going to see you. I begin, do you know, to think the '*Courier* nearer to the mark than I at first imagined, about 'female politicians; for really since the Manchester Massacre 'I can get nothing from you which might not just as well 'appear in the newspapers. Instead of a young lady going 'to be married, you seem to me more like a young candidate for 'a seat in the House.' In their correspondence during this autumn the Manchester atrocities, and the state of the country, mingle curiously with preparations for their marriage, which took place at the parish church at Kidderminster on November 3rd. A few days afterwards they were in London, where they had secured the upper part of a house in Boswell Court, a quiet street, enclosed with gates, but surrounded by a bad and densely crowded district. It has been now entirely swept away to make room for the new Law Courts.

A fortnight later Matthew was called to the Bar. Nearly half a century afterwards, he received from Sir John Bowring, the executor of Jeremy Bentham, among whose papers it had been found, the following note:—

From Major Cartwright to Jeremy Bentham.

'BURTON CRESCENT.

'MY DEAR FRIEND,

'Mr. Hill, a gentleman of whom I have some little 'knowledge, and who by others who know more of him is 'reported to be a man of great merit, is to-morrow to present 'himself before the Benchers of Lincoln's Inn for being called

'to the Bar. Unfortunately for his pretensions, he has the 'reputation of being a friend to the liberties of his country.

'If you can attend for preventing his rejection, I believe you 'will do a meritorious action. Trusting, therefore, that if you 'can you will,

'I remain truly yours,

'J. CARTWRIGHT.'

Whether Bentham complied with this request is not known. The call was moved not by him, but by Mr. Nolan, on November 18th, 1819.

CHAPTER III.

Practice at the Bar—Its Varied Character—Absorption in his Cases—Law Reformers—Henry Brougham—First Case—"My Maiden Brief"—Midland Circuit—The Circuit Bar—"He has Drunk Claret"—Circuit Court—Trial of Major Cartwright—"All good Sovereigns"—Prosecutions for Blasphemy—Defence of Mrs. Carlile—General Pepe—The Riegos—Charles Knight—Case of Barkley—The late Mr. Jardine—Dr. Lushington—Failure of Health—Removal to Chelsea—De Quincey—Serjeant Wilde—Westminster "Slums"—Hogarth's "Bridewell"—Improved Health.

ALTHOUGH Mr. Hill was engaged in some cases of importance shortly after he was called to the Bar, he, like most men, had long to wait before his practice grew to be lucrative. In early years it lay chiefly in defending persons charged with political offences, but as time went on it became extremely varied. *Nisi prius*, criminal, even Chancery business fell to his share. In applications to the Judicial Committee of the Privy Council for the extension of patent terms, he had the lead. On his Circuit, for many years before he quitted it, he was *facile princeps*. Before Parliamentary committees, upon election petitions and private Bills, his practice was extensive. Still, Parliamentary business, though very profitable, was not greatly to his taste. The carelessness and prejudice which he frequently saw displayed when interests of the greatest magnitude were being dealt with, disgusted his moral sense. What really delighted him was to argue a case in which weighty legal or constitutional principles were involved. Such causes he repeatedly advocated in the two courts of ultimate appeal—the House of Lords and the Judicial Committee of the Privy Council; before the latter, indeed, causes involving the welfare of millions of Her Majesty's Eastern subjects are not infrequently enter-

tained. Throughout his career at the Bar, while never overstepping the limits defined by the etiquette of his profession, he again and again gratuitously undertook the causes of persons whom he deemed to be oppressed or unjustly treated; often refusing lucrative practice (in some instances offending valuable connections), when it would have interfered with the conduct of these suits. He was also scrupulous in not accepting business to which he did not expect to have time to do justice, frequently returning briefs (with the fees) when the prospect of being able properly to conduct the cases had become doubtful. 'Perhaps the most remarkable feature in Mr. Hill's profes-'sional character,' said a contemporary critic, 'is the singular 'zeal he evinces in the cause of his client. With him that zeal 'is literally a consuming passion . . . . His thoughts when 'engaged in any important case are scarcely ever occupied with 'anything else. His mind is constantly absorbed in the con-'templation of the way in which he is most likely to ensure the 'success of his client's cause. He feels thus strongly, apart from 'any effect which the manner in which he acquits himself may 'have on his professional reputation, or on his own individual 'interests.'[1]

It is said that lawyers are not law-reformers. The labours of Henry Brougham alone might falsify the axiom. Mr. Hill was another of the numerous examples who have proved the baselessness of this popular fallacy. Bringing with him to the Bar an ardour for the public welfare, it was inevitable that the practical experience of his profession should suggest the means, and prompt the effort, to remove those legal defects the evil consequences of which were daily pressed upon his notice. 'He is a 'lawyer, and, as I am told, a very sound one,' said his colleague in the representation of Hull in the first reformed Parliament (the Right Hon. Sir William Hutt), 'but he values his pro-'fession more for the opportunity it gives him of improving the 'law, and rendering it cheap and acceptable to the poor, than 'for any possible advantage or distinction he can derive from it.'

[1] *The Bench and the Bar*, London, 1837. The Memoir of Mr. Hill quoted above, is written in a very friendly spirit, but is not so accurate throughout as in the passage cited.

For a large portion of his professional life law-reform engaged his close attention, and evenings that would have been wisely spent in repose, were given to the weekly meetings of the Law Amendment Society, of which he was one of the founders.

Mr. Hill argued his first case, The King *v.* Borron, in the term in which he was called. It arose out of the Manchester Massacre, and he was retained for some of the sufferers. In a sketch entitled "My Maiden Brief," afterwards contributed to *Knight's Quarterly Magazine*, and which is, in fact, a bit of autobiography, he says:—'At length, the fatal day came. I never 'shall forget the thrill with which I heard —— open the case, 'and felt how soon it would be my turn to speak. Oh, how did 'I pray for a long speech! I lost all feeling of rivalry; and would 'have gladly given him everything that I intended to use my-'self, only to defer the dreaded moment for one half hour. His 'speech was frightfully short, yet, short as it was, it made sad 'havoc with my stock of matter. The next speaker was even 'more concise, and yet, my little stock suffered again severely. 'I then found how experience will stand in the place of study; 'these men could not, from the multiplicity of their engagements, 'have spent a tithe of the time upon the case which I had done, 'and yet, they had seen much which had escaped all my research. 'At length, my turn came. I was sitting among the back rows 'in the old Court of King's Bench. It was on the last day of 'Michaelmas Term and late in the evening. A sort of darkness 'visible had been produced by the aid of a few candles dispersed 'here and there. I arose, but I was not perceived by the judges, 'who had turned together to consult, supposing the argument 'finished. B—— was the first to see me, and I received from 'him a nod of kindness and encouragement which I hope I 'shall never forget.[1] The court was crowded, for it was a question 'of some interest; it was a dreadful moment; the ushers stilled 'the audience into an awful silence. I began, and at the sound 'of an unknown voice, every wig of the white inclined plane at

[1] Mr. Justice Bailey. He was delighted with the paper. Meeting the author in the street a few days after its publication he stopped him to express his satisfaction, and afterwards, when praising some similar effort by the same person, tempered his approval by adding—'but not equal to "My Maiden Brief."'

'the upper end of which I was standing suddenly turned round, 'and in an instant I had the eyes of seventy "learned friends" 'looking me full in the face! . . . What I said I know not; I knew 'not then; it is the only part of the transaction of which I am 'ignorant; it was a "phantasma or hideous dream." They told 'me, however, to my great surprise, that I spoke in a loud voice, 'used violent gesture, and as I went along seemed to shake off 'my trepidation. Whether I made a long speech or a short one 'I cannot tell, for I had no power of measuring time. All I 'know is, that I should have made a much longer one if I had 'not felt my ideas, like Bob Acres' courage, oozing out of my 'fingers' ends. . . The next morning I got up early to look at 'the newspapers, which I expected to see full of our case. In 'an obscure corner, and in a small type, I found a few words 'given as the speeches of my leaders, and I also read, that '"Mr. —— followed on the same side."'[1]

Mr. Hill chose the Warwick and Coventry Sessions, and the Midland Circuit, which then comprised Northampton, Oakham, Lincoln, Nottingham, Derby, Leicester, Coventry, and Warwick. It was one of the poorer Circuits, but in some of the towns it visited lay the few professional connections he had yet been able to make. But there also prevailed rumours of the advanced opinions he brought with him from the radical town of Birmingham, and he was looked at somewhat askance when he first appeared among his brethren on Circuit. One "mark of the "beast" was to avoid contributing to the revenues at the disposal of Government, by refusing to use all taxed articles which could possibly be dispensed with, and of these wine was of course one.

It was the custom before inviting a new member of the Circuit to join the mess, for his colleagues to ask him to dine with them. The behaviour of the young politician, then, at the dinner was to decide the reception which should be accorded to him. He soon made a favourable impression by his lively conversation, but his companions still postponed the important decision until the cloth was drawn, and the claret—then one of the most highly-taxed wines—was circulating. When the bottle

[1] *Knight's Quarterly Magazine*, vol. i.

approached Hill those of the party who had been especially won over by his engaging manners, watched with anxiety how he would deal with it. He filled his glass without hesitation. The bottle came round again, and again he filled his glass. 'He'll 'do—he has drunk claret,' whispered one to another; and his cordial welcome to the mess was secured.[1]

Of the twenty-five members of the Midland Circuit Clarke, the King's Counsel, was pre-eminently the father, for he had joined it in 1781. Mr. Reader and Serjeant Vaughan were next in seniority, and among other names are those of Balguy, Denman, Adams, Goulburn, and Amos, afterwards appointed a member of the Supreme Council at Calcutta. 'Vaughan and Clarke,' said Mr. Hill in after years, 'were often opposed. Vaughan generally 'carried off the laugh, and Clarke the verdict, and both were 'satisfied. When Vaughan set the court in a roar, Clarke would 'look round for a victim, and as my risible faculties were under 'poor control at that time, he often pitched upon me. "Mr. '"Hill," he asked on one occasion, "are you in this case?" "No, '"Sir." "Then what business have you to laugh?" Denman 'used to revel in this story.' In the course of his Circuit experience Mr. Hill heard many strange appeals from the lips of Clarke in the performance of his professional duty, and not a few have already found their way into print. The following, it is believed, are not among the number. Mr. Clarke desired to undo the effect produced on the jury by the opposing counsel, who had excited their sympathy in behalf of his client as being an orphan. 'Gentlemen,' said the venerable King's Counsel, 'my learned friend has told you that the plaintiff is an orphan. 'But people's mothers and fathers can't live for ever. Why, 'gentlemen, *I* am an orphan!' On another occasion, when prosecuting some itinerant vendors of what were then called blasphemous publications, he concluded his address to the jury by this extraordinary peroration:—'These men go about the 'country saying "there is no hell and no devil." Where then, 'gentlemen, where then, I ask you, is the poor man's consolation 'on his death-bed?'

[1] This incident was related by Serjeant Adams, many years after it occurred, to the hero of the story, who was himself unconscious of the test to which he had been put.

Some of the fun of the Midland Circuit survives in the records of the "Circuit Court." The final cause of this institution is to raise contributions to the wine-fund, achieved by imposing fines on members of the Bar when "presented" or "congratulated," which may happen to them upon a great variety of occasions. For instance:—'The Recorder presents 'Mr. Attorney-General for interrupting him, the Recorder, in a '*very polite manner* contrary to the forms, &c., &c., in this Court 'used. Not guilty.'[1] 'Serjeant Vaughan is presented for a 'gross puff of himself at Leicester whilst examining a witness of 'more than common assurance:—"Sir, you have met your '"match." Guilty—2*s.* 6*d.*' Serjeant Adams is congratulated 'on the discovery of a new mode of smelling:—"Gentlemen, '"this defence stinks in the eyes of the public." *Testibus*, Hill 'and Humfrey.'

On his first circuit Mr. Hill was engaged in a case of much notoriety. Within a month after the meeting held at Birmingham in July, 1819, nominally to elect a representative of the town to Parliament, but in reality designed as a protest against the absurd injustice of leaving large towns unrepresented while a great portion of the House of Commons was elected by close and rotten boroughs, a Bill of Indictment, the principal charge in which was of conspiracy, had been preferred against Major Cartwright and Messrs. Edmonds, Wooler, Maddocks, and Lewis. The four latter had taken a prominent part in the proceedings; but the Major had simply profited by the opportunity of passing through the town to induce the promoters of the meeting to designate the individual they were about to elect, their 'legisla-'orial attorney' instead of their 'member.' He declined to occupy the chair, and even to appear on the hustings, though, as it happened, he was prevailed upon to take refuge there from his carriage on account of the restlessness of the horses caused by the surrounding crowd. No disturbance whatever occurred at the meeting, nor were the speeches violent, although in a Charge to a Surrey grand jury Sir William Garrow declared them to amount almost to treason.

[1] The Circuit Court has its Recorder and Attorney-General.

In November a true bill was found against all the five gentlemen indicted, and Mr. Hill was retained for Major Cartwright's defence. The personal acquaintance subsisting between them had inspired the young barrister with the ardent affection shared apparently by all who knew the venerable reformer; and heartily sympathizing with his political aspirations, Mr. Hill threw his whole heart and strength into the cause.[1]

The trial took place at Warwick, at the summer assizes of 1820. The jury was, of course, special—and such was the character then attributed to these bodies that Sir Francis Burdett had recently declared—'according to the prevalent manner 'of constituting special juries, he believed that Abel would be 'convicted of the murder of Cain, if such were to be the issue 'proposed for trial.' Mr. Hill, although he had to begin his defence when much exhausted, and at so late an hour that it was not concluded until between nine and ten at night, made a powerful speech for his client.

After Mr. Denman had spoken in behalf of Messrs. Edmonds and Maddocks, and Mr. Wooler had defended himself (as apparently did Lewis also), in a speech of great force and eloquence, the jury, under the direction of Chief Baron Richards, returned a verdict of guilty against all the defendants. Sentence, however, was not passed upon them until several months afterwards.

The challenge of the array of the special jury at Warwick having been disallowed, a rule to show cause why there should not be a new trial was subsequently obtained. Mr. Hill, with Mr. Denman, argued the question several times in November. In the following February — 'our Counsel,' writes Major Cartwright to Sir Francis Burdett, 'on Wednesday made a 'powerful impression even in the Court of King's Bench, on the 'inveterate and infamous practice of packing juries.' Three days later the argument was resumed in a speech by Mr. Hill,

[1] Long years afterwards, when congratulating him on one of his Addresses to the Grand Jury at Birmingham, the Major's niece and biographer wrote:—'My 'thoughts, in reading your Charge, continually recurred to one who would have 'read it with intense interest, and I fancied myself once more in the drawing-room 'at Burton Crescent when a gentleman young in years, but as it proved, *not* young 'in wisdom, was introduced to us as my uncle's future advocate.'

lasting nearly two hours, before a crowded court, in which Brougham was present.[1]

To Rowland Hill.

'LONDON, *Feb. 20th*, 1821.

'. . . Yesterday I finished my correction of the short-'hand report of my speech in the good Major's case. I hope it 'is not vanity, but I should die quite contented to-morrow after 'having made that speech. I have spoken my mind, as the 'good women say. I have told the Judges the truth in plain 'language, which, as you know, I had long thirsted for an oppor-'tunity of doing. I think we have given the special jury system 'a mortal wound. Denman has asked me to assist him in draw-'ing a bill to amend the law. 'M. D. HILL.'

After a further hearing in the following June, when Mr. Denman made so admirable a speech in mitigation that Mr. Hill deemed it wise to leave the effect of it unbroken by any attempt to follow him, judgment was at length pronounced upon the five defendants. Major Cartwright was fined £100 without imprisonment, the others being sentenced to various periods of detention in Warwick gaol.

Before he left the Court Major Cartwright produced from one of the pockets of his waistcoat, which he wore of an unusual size, a large canvas bag. From this he slowly counted one hundred pounds in gold, observing that he believed "they were all *good sovereigns*." His composed manner and dry tone greatly amused the Court, including the Judges themselves. The Judge who had pronounced sentence spoke with so much respect of the character and motives of Major Cartwright that the latter afterwards remarked he thought his Lordship was going to offer him a reward, instead of inflicting a fine; and that it was hard to have to pay for a "delusion," the only thing of which the Court accused him.[2]

[1] When the acquaintance began with Henry Brougham, which ripened into a friendship uninterrupted until he was laid in his grave, is not known, but it was probably made at the house of Major Cartwright.

[2] *Life of Major Cartwright.* Colburn, 1826.

The notorious Six Acts, passed in an autumn Session of 1819, for the purpose of increasing the repressive powers of Government, intensified the hostility of the people against their rulers; and from the violent expression of public feeling, on political and religious subjects, sprang innumerable prosecutions for the sale of so-called blasphemous and seditious works. The bookseller, Richard Carlile, was frequently, in his own person or that of others engaged in his business, the object of prosecution. In the summer of 1820 his wife had been charged with the sale of a report in a periodical called the *Republican*, of a trial her husband had recently sustained, and in consequence of which he was at the time undergoing imprisonment. At the instance of persons interested in her behalf, Mr. Hill took up the cause. Notwithstanding an able defence, his client was found guilty of a seditious libel, and sentenced to two years' imprisonment. By proving a flaw in the indictment, however, her counsel obtained her release, when her husband, far from expressing gratitude for Mr. Hill's services, attacked him in the *Republican* for having based his defence on the doctrines of Christianity.

On the Court of King's Bench being moved, in this and another case of similar character, the King *v.* Davison,[1] to show cause why a new trial should not be granted, Davison accused members of the Bar of servility to the powers that be. The Chief Justice in giving his opinion repudiated the charge, while Mr. Justice Best (a high Tory) in its disproof referred to the address delivered by Mrs. Carlile's counsel, which, he said, 'for ability and eloquence he had seldom seen equalled, and 'never surpassed.'

The autumn vacation had been spent chiefly at his father's house, Hazelwood, built specially for the school, and whither it had been removed in 1819. Thence Mr. Hill returned to town alone, his wife not having yet recovered after the birth of their first son. In veneration for the great Anglo-Saxon king, his parents gave the child the name of Alfred; and a similar reflexion

[1] Rex *v.* Davison. The legal argument of Mr. Henry Cooper on moving for a new trial was published in a pamphlet under the title of *The Right to fine a Defendant for making his Defence in Person*. The preface was by Mr. Hill.

of their opinions and tastes appears in the names chosen for all their children. 'Name the boy,' Mr. Hill wrote to his wife in regard to their youngest son—'either after Berkeley, Bishop of 'Cloyne, or Butler, our relative, the author of *Hudibras*. Berkeley 'I look upon as one of the best and ablest men this country has 'ever produced.'

To Margaret Hill.

'LONDON, *Nov. 7th*, 1821.

'I dined yesterday with the good Major, who called the 'moment he heard I was in town. Whom do you think I 'met there? No less a personage than General Pepe![1] We 'had a long conversation in French. By the bye, I have 'almost forgotten that language. He is a pleasant and, as 'far as I could judge from one interview, a clever man; but 'he does not speak French very clearly, though with perfect 'fluency, so that I lost a good deal at first, until I became 'used to his accent. He had a colonel with him, one of the 'handsomest men I ever saw, and the General himself is a very 'fine-looking fellow, about forty years of age. I understand 'from the Major that he [Pepe] attributes the ill-success of the 'campaign [in Italy] to the treachery of the nobility. He 'speaks well of the priests, especially the younger sort. The 'Carbonari, now so belaboured by the Legitimists, were once 'such favourites that a Bishop, by royal command, preached a 'sermon, in which he told the people that when they died they 'had nothing to do but present themselves at the gates of 'Heaven with the insignia of the Carbonari, and St. Peter would 'instantly open the gates! A comfortable thing—an order for 'Heaven, is it not? It would not do here: the Brumagem 'people would forge them. 'M. D. HILL.'

[1] Born in Calabria, Guglielmo Pepe early distinguished himself in his country's struggles for freedom, and seems to have passed through every vicissitude of a patriot's life. He died in 1855. Mr. Hill met also at Major Cartwright's house distinguished refugees from Spain. Among these were the lovely young widow of General Riego, who followed him early to his martyr-grave, and his exiled brother Canon Riego. The latter survived to old age, and late in life renewed his acquaintance with Mr. Hill.

To the Same.

'*Dec.* 12*th*, 1821.

'Having obtained a frank from Mr. Brougham, I sit down to 'write to you. . . . I have just been dining with the Major, 'whom I had not seen for some time. The old gentleman is 'in excellent health and spirits. The fall of Lima, and the 'success of the Greeks, the manly conduct of the French 'Chamber, and the increase of Radicalism in England, keep 'the old man in high glee.'[1] . . . [Charles] Knight is about to 'start a magazine, and wishes me to write for it, and take a 'share of the profits.[2] I have agreed. I want a present main-'tenance to carry on a great object which, however appear-'ances may be against me, I have no doubt will one day 'or other be attained. I feel my own power. I know now 'what I can do, and I know that I am very superior to many 'who are looked upon as clever men. It is odd, is it not, 'that at a time when I have nothing to do, I feel most con-'fident? But so it is. 'M. D. HILL.'

It must not be supposed that "the want of a present main-"tenance" implies lack of the necessary means of living; it signifies simply that an income so limited as his, hampered his professional advancement. He was, indeed, more fortunate than many of his brethren at the Bar in early pecuniary success. Nevertheless, for some years after his marriage, what he earned, though supplemented by his wife's little fortune, fell short of

[1] The fall of Lima into the hands of the Republicans and their declaration of independence had taken place in the middle of July; yet the official news of these events reached London only on November 27th, so slow was the transmission of intelligence. A Bill brought in by the French Cabinet, the effect of which had it passed would have been to gag the press, had been defeated, early in December, by the vigorous opposition of the French Chamber.

The Major's favourite phrase in concluding letters to his friends was 'Yours 'radically.' The word "radical," in its modern political sense, had been adopted in reference to the measures of Parliamentary reform—Universal Suffrage, Annual Parliaments, and Vote by Ballot, which Major Cartwright advocated.

[2] Whether the proposed magazine appeared is not known. The publication of *Knight's Quarterly Magazine* was not resolved upon until a year later. To this Mr. Hill was, as has been stated, a contributor; but he had no share in the pecuniary responsibilities of the work, and was, no doubt, paid for his articles.

their requirements, frugal as were their habits. Happily the lifelong practice in his family of interchanging help, came to his aid. The great services he had been able to render were amply acknowledged by his father and brothers, and their funds were always at his command. Though trenching upon these as little as possible, yet it was the assistance received from Hazelwood, together with his own and his wife's horror of debt, that saved him from the money embarrassments which often clog the progress of a young professional man. A gift from his brother Edwin, it is believed, enabled him to lay the foundation of his law library.

Early in 1822 Mr. Hill conducted a case which, owing to the demeanour of the judge (the Common Serjeant), became one of serious public importance. His client, a shopboy of Carlile's, named Barkley, was prosecuted at the instance of a body which, possessing the covert approval of the Government, called itself the Constitutional Association, but was known less favourably as the "Bridge Street Gang." Barkley's counsel adopted as his line of argument the futility of silencing the press, while personal communication remains free. 'Knowing whom I 'had to deal with, I took the precaution,' Mr. Hill wrote to his brother Rowland, 'to hire a shorthand writer, and I 'mean to publish the trial. It will cost me some money, but I 'must be ready to meet a cry of blasphemy, if the miscreants 'should try to raise one. After all, the jury deliberated 'an hour, and everybody present said that if I had had 'another jury I should have had a verdict; but they actually 'forced upon me one which had already found a man guilty 'for selling the same book! I cannot even now think of the 'monsters without my blood boiling in my veins. Would to 'God we were come to the time when we could fight it out in 'a great field!'

He edited, and quickly published in pamphlet form, the report of the trial.[1] It bears as a motto this passage from Milton:— 'But some are ready to cry out—What shall there be done to 'blasphemie? These I would first exhort not thus to terrifie 'and pose the people with a Greek word; but to teach them

[1] Effingham Wilson, 1822.

'better what it is.' The testimony of Bishops Lowth, Warburton, and Watson, is quoted against the policy of prosecuting Deistical writers; while Bishop Taylor and Dr. Campbell are cited in support of the editor's conviction, that—'to prosecute opinions 'is to confirm and circulate them; and that the chains of error 'are never so firmly riveted as when the hand of power attempts 'to break them.'

The Common Serjeant had peremptorily refused an application for a new Jury, alleging that 'no Jury could possibly find 'a different verdict upon so infamous a libel.' Moreover, it came to light that the original record of Barkley's sentence to six months' imprisonment had been interlined in a different hand, with the words—'and to be there kept to hard labour.' Reporting this discovery to his counsel, then on Circuit, Mr. Jardine (the late Police-Magistrate) wrote:—'In these days 'of encroachment, if this flagrant abuse be not exposed and ex-'emplarily punished, you or I may be hereafter convicted of an 'offence, and sentenced to fine or imprisonment, and then a 'wicked judge or his profligate agents may interline the record 'with a "*susp. per coll.*"[1] or transportation, and send us to Abra-'ham's bosom, or Botany Bay!'

The only appeal was to Parliament, and Dr. Lushington in presenting a Petition from Barkley, supported in forcible terms its prayer, vindicated his counsel's line of argument, and exhorted the House of Commons to guard trial by jury from all attempts to curb its effects. The House, however, seems not to have recognised the gravity of the case, for though the Petition was read and ordered to be printed, no further action appears to have been taken.

A serious failure of health in this year, which made even the abandonment of his profession probable, obliged Mr. Hill to remove from London for a time. After weary wandering to find a dwelling possessing essential requirements at a compassable rent, a cottage was taken near the parish church at Chelsea. Not only the old-fashioned garden in which it stood, abutting on the King's

[1] These words, written by the Judge on the margin of the record of a sentence of death, constitute the sole authority under which it is carried into execution.

Road, but every trace of a home which was always remembered with regretful affection, has long since been swept away. Both Mr. Hill and his wife were intensely attached to the country, a designation then appropriate to Chelsea, so that their nearly three years' sojourn there stood out in bright contrast to Boswell Court, from which they had escaped, and Chancery Lane, whither they removed on quitting this abode. A boat upon the river afforded a cheap and favourite relaxation, while the fresh air and privacy of the garden gave Mr. Hill the conditions under which, through life, he could best prepare his speeches—"a quarter-deck walk," out of doors, and secure from interruption.

Tender memories gathered about the place. Two children were born here. The venerable Major Cartwright and his distinguished refugee friends, and many Englishmen rising into fame, shared the hospitality of the homely cottage.[1] Here De Quincey spent much time, delighting Mrs. Hill with his conversation in the long evenings when she sat up for her husband, who was then working with Mr. Serjeant Wilde (afterwards Lord Chancellor Truro). The latter, struck by the manner in which Mr. Hill argued a case, invited him to his chambers, and thus gave him an opportunity for an important branch of professional training which he had been before unable to obtain. The rule of Wilde and his companion was to rise from their briefs when St. Paul's clock struck twelve, a rule, however, not always observed. 'Wilde 'has a black-letter case on hand,' writes Mr. Hill in 1825, 'in which 'I am helping him. We shall be up all night.' From his friend's chambers there was an hour's walk to Chelsea (for the only available vehicle was a hackney coach, a far too costly indulgence), across the Five Fields, now covered by the mansions of Belgravia, but then a mud-bound waste, not yet wholly freed from its old reputation for foot-pads. Thirty years afterwards writing to the Rev. Henry Whitehead,[2] he says—'I know your district.

[1] Major Cartwright died in 1824. Mr. Hill was among those who saw him laid in his grave in Finchley Churchyard, and was a member of the committee ormed to raise a memorial to him. This took the form of a statue erected opposite his house in Burton Crescent.

[2] Mr. Hill's acquaintance with Mr. Whitehead (now Rector of Brampton, Cumberland) arose from their common interest in the reformatory cause. Commenting on the part taken by the latter in teaching an industrial occupation to the

'Early in my married life I lived at Chelsea and often traversed 'your "slums" on my way to Westminster Hall. Then, and 'then only, did I ever see the figures in Hogarth's "Bridewell" 'living and moving. N.B. Hogarth is conclusive evidence 'that we do not get worse.'

Mr. Hill's professional prospects so far brightened that eventual success seemed certain, if health only were granted; and of this too he had fairer hopes. Troubled still with an affection of the chest, he consulted Dr. Gooch, who assured him that he would be a vigorous man long years after his physician was in his grave—a prophecy which was amply fulfilled.

inmates of a Home for destitute boys, Mr. Hill wrote:—'In your working 'dress and shirt sleeves, you are only bringing yourself a step nearer to 'the Apostles. At least, that is my opinion—not being one of those who think '"a saint in crape is twice a saint in lawn." God bless you and your worthy 'associates, and all honour to your zeal and pluck! You are of the true Church 'Militant. What a change in the clergy since my boyhood! The esoteric doc- 'trine then prevalent was that a beneficed clergyman enjoyed his estate in a 'black coat, with much the same title, and scarcely more duties, than the Squire 'enjoyed his, in a blue one.'

CHAPTER IV.

Unwelcome Leisure—Literary Work—"Freedom in Matters of Opinion"—Leonard Busher—*Public Education*—Hazelwood School—*Hazelwood Magazine* Thomas Creswick—Hofwyl—De Fellenberg—Miss Edgeworth—W. J. Fox—Acquaintance with Bentham—Dr. Parr—Visitors to Hazelwood School—"Hillska Skola"—Count Frölich—Mr. Spring Rice—School at Florence—Foreign Pupils at Hazelwood—Lord Lansdowne—Reviews of *Public Education*—Captain Basil Hall—Jeffrey—*Edinburgh Review*—Miss Frances Wright—Thomas Jefferson — Virginia University — *Knight's Quarterly Magazine* — Praed — Macaulay — Moultrie — Contributions to the Magazine — *Oriental Herald* — "Political Expectations"—*Letter to Thomas Pemberton, Esq.*—"Postal Reform"—*Law Review*—Contributions to Newspapers, &c.

THE unwelcome leisure of early professional life left much time for writing; and a short notice may here be given of some of the very varied subjects on which Mr. Hill employed his pen.

An article entitled "Thoughts on Freedom in Matters of Opinion," was doubtless suggested by the course of study undertaken the previous year in preparing the defence of Mrs. Carlile; and indicates the extensive reading of the author in an unusual track. He claims for an Englishman, Leonard Busher, the distinction of first making known the true principles of religious freedom, in his *Religious Peace; or, a Plea for Liberty of Conscience*, printed in 1614. Assuming as demonstrated that neither religious nor political opinion is to be fettered by legislative enactments, the author of the article proceeds to consider how private individuals should deal with those holding doctrines they believe to be mischievous; and thus sums up his view of the conduct to be observed towards their professors:[1]—'When I find a man

[1] It is of course to be understood that the doctrines referred to do not include those which, by common consent, are beyond the pale of morality.

'holding opinions which appear to me to have a direct tendency 'to bad actions, I have a right to shun him, both because I may 'be injured by his acts, and seduced by his doctrines to injure 'others. But . . . if I find after a complete inquiry, that a 'person professing doctrines which appear to me dangerous, has, 'nevertheless, passed a life of unimpeached virtue, I ought to 'conclude that my estimate of the tendency of his opinions is 'mistaken. . . . I ought not to suffer mere discrepancy of 'opinion to destroy my intercourse with a person whom I have 'no other reason for avoiding. It is hardly necessary to say, 'that no one who confines himself to the society of those whose 'thoughts are only a reflex of his own, can rationally hope for 'improvement; but it is worthy of remark, that as the opinions 'of the community must always be made up of the opinions of 'individuals, a nation is not very likely to frame a liberal code 'of laws, where the habits of the people lead them to shun all 'who differ from them.'[1]

Before Mr. Hill finally left his father's roof, he had begun a series of essays describing the system of education commenced at Hill-top, and developed at Hazelwood. These, in a letter to Miss Bucknall in 1818, he had told her, were intended as a legacy to the family. After careful revision by his father and brothers the essays were published anonymously in May 1822, under the title of *Public Education*.[2]

The moment was favourable. Much dissatisfaction with the means of education for the higher classes was showing itself at the time—some years before Arnold began his labours—and the book quickly won attention. The purpose of the system it described, was to impart the power of self-government and self-education. To accomplish this the pupil's mind must be enlisted heartily in the cause, and coercion must gradually be withdrawn. Thus as far as possible all power was

[1] *Monthly Repository.* 1821.

[2] London, Whittaker. This title was meant to define education at large schools, in contra-distinction to that at small schools, or at home. The sub-title was *Plans for the Government and Liberal Instruction of Boys in large numbers; drawn from experience.* A second edition, containing additions by Rowland, and his next brother Arthur Hill, was published by Baldwin and Craddock, in 1827.

left in the hands of the boys. The school in fact constituted a Republic, of which the Head-master was President. The teachers regulated the routine and hours of study, but all other laws for the government of the community were made by a committee, elected by ballot from among the pupils, by themselves; the master's assent alone to their enactments being necessary,—an assent which he had never had occasion to withhold. A "Jury Court" for the trial of both civil and criminal causes, from which the committee formed a Court of Appeal, and an effective staff of officers for the preservation of order, were appointed by the boys from their own numbers.

Each boy therefore shared the responsibility of both legislative and executive power, and a ready obedience to the law was the consequence. The rights of every member of the little community from the highest to the lowest obtained equal recognition, and the tyranny and bullying, apt to prevail where boys of very different ages are congregated, were reduced to a *minimum*. It was not until after the first edition of *Public Education* had appeared that the conductors of Hazelwood became acquainted with the constitution which De Fellenberg had bestowed upon the students at Hofwyl, so akin to that of their own school that a description of the one might apply to the other. In 1823 they were visited by the late Mr. Robert Dale Owen, who had been educated at the Swiss establishment, and by his recommendation they adopted the institution of "Guardians" in operation there, much resembling the ancient Frank-pledge. 'We never expect, and indeed never wish, the 'time to arrive,' says the author of *Public Education*, 'when 'changes shall cease to be made; for to learn the art of improving 'the methods by which the business of a schoolboy is transacted, 'is an excellent means for him to acquire the power of bettering 'plans in after life.'

By an observance of absolute punctuality, and by the time allowed for certain operations—musters, change of classes, &c. —being measured, not by minutes even, but by *seconds*, 'the 'middle state between work and play, extremely unfavourable 'to the habits of the pupil, was reduced almost to nothing.' The curriculum, including additional subjects to those usually

taught, and the method of instruction, differing in some important respects from that generally pursued, are minutely described.

"Voluntary labour" was a striking feature of the school. Important advantages rewarded this self-directed industry (performed of course out of school-hours); while the choice of occupation, including manual as well as mental work, being left to the pupil, he followed his natural tastes, and thus often developed talents which the ordinary routine of lessons left untouched, and even unsuspected. In this way Thomas Creswick, the landscape-painter, found opportunity for cultivating his love of art. He and two or three others among the pupils illustrated with copper-plate etchings a magazine which the boys wrote and printed among themselves. After acknowledging their first specimen of printing, Mr. Hill, in a letter to his brother Rowland, continues— 'Miss Edgeworth is much pleased with 'the book [*Public Education*], but had got it into her head that 'you lived at Bristol. Fox[1] is quite delighted with the plan 'and wishes (he says) that the clock could be put back a 'quarter of a century that he might join the community.'

To the Same.

'LONDON, *June 12th*, 1822.

'Being in Hunter's shop and having to wait a short time 'before the City people are ready to swear me in a Wheelwright, '(I have taken up my freedom), I employ the leisure in giving 'you some news. Last night Mr. Colson, the Editor of the '*Traveller*, called on me with a work of Bentham's, and the 'following note:—

'"QUEEN'S SQUARE PLACE, WESTMINSTER,
'"*June 11th*, 1822, Tuesday.

'"Mr. Bentham having a good deal which he wishes to say to '"Mr. Hill, and still more to hear from him in consequence of his '"obliging and admirable present [*Public Education*], would be '"happy to see him to a hermit's dinner, as above, from a little '"before 7 to ½ after ten, on Thursday."

'"*Answer requested.*"

[1] William Johnson Fox, then Minister of the Unitarian Chapel, Finsbury; afterwards M.P. for Oldham.

'Colson says he (Bentham) wants to talk about the best 'means of laying our plans before the Cortes of Portugal (with 'whom he is in correspondence) with a view to a national adoption 'of them. He says, and very justly, that it behoves a nation, 'which has not hitherto enjoyed free institutions, to educate 'their youth in the practice of liberty. 'M. D. HILL.'

Mr. Hill presented himself in Queen Square Place at the appointed time, and was shown into a library. Soon he heard advancing steps, marked by a *flopping* sound, as of shoes very loosely worn, the door opened and Bentham appeared in dressing-gown and slippers. He was then seventy-four years of age. His guest met with a flattering reception. During their *tête-à-tête* meal Bentham told him that, disgusted as he had been by the vague generalities of treatises on the subject, he had thrown *Public Education* aside without looking into it. Afterwards opening the book, though with slight hope of discovering anything of value, his attention was soon fixed. He gave it to his reader, a youth of seventeen, who, to use Bentham's phrase, 'went chuckling all the way through it.' So favourite a companion had the volume become that its owner kept it on a little shelf within easy reach, and opened it many times during dinner. Bentham's society was sought by persons of distinction of all nations, but few obtained access to him. Thus the intimacy to which Mr. Hill found himself at once admitted was especially gratifying, and in the intercourse he subsequently enjoyed with those who visited at Bentham's house, valued friendships were made.[1]

Within the first few weeks after its appearance *Public Education* had been largely noticed by newspapers and reviews, and continued for some years to attract attention through the periodical press both at home and abroad. It brought crowds of persons, from the Continent, and from all parts of the British Isles, to inspect the school, some of whom remained

[1] From this time, for four or five years, Mr. Hill usually dined with Bentham once a week. In conversation with his host he learnt that Bentham obtained from Dr. Priestley the doctrine which he made the basis of his writings, namely, that the object of all government, and of all social institutions, should be—"the greatest happiness of the greatest number, for the greatest length of time."

many days on the spot, or returned again and again to familiarize themselves with the system it described; it modified the plans already pursued elsewhere, and caused new institutions to be established on the model of Hazelwood. One opened in the neighbourhood of Stockholm—named after the founders of Hazelwood, "Hillska Skola,"—acquired high repute.

He writes to his brother Rowland in March, 1823:—'Bentham has just given me a letter of introduction to [Dr.] Parr, 'to whom he had previously written in high terms of the 'book, saying that it had caused him to throw aside all he had 'done previously. He talks of sending a Frenchman to Hazel-'wood, who is going to Egypt to open schools under the 'auspices of a radical Bey, but insists on paying for him, and 'says that he shall feel much more unrestrained in sending 'people if you will allow him to make a compensation.'

The book was translated by Count Frölich, a Swedish nobleman, into his mother-tongue; and the whole or parts of the work appeared in other foreign languages. Pupils from abroad, then far more rare in England than at the present day, sought admission at Hazelwood. Through Bentham's influence several youths were sent from Greece, to be trained in the principles of liberty. Many came also from the new Republics of South America, then throwing off the bonds of Spain.

To Rowland Hill.

'*Feb. 5th*, 1824.

'. . . . I had a note from Empson[1] the other day, in which 'he tells me that he and his friends are delighted with the 'system; that in particular Mr. Spring Rice, [afterwards Lord 'Monteagle] an active and philanthropic Irish member, of whom 'you have perhaps heard,talks of going to see Hazelwood, and of 'reviewing the book in the *Edinburgh Review*. Empson says he 'understands the subject well. Rice found at Florence a school 'much on your plan, and was wishing for some means of calling 'the public attention to the fact that such a plan had succeeded, 'without mentioning the Florentine school, for fear the Austrian

[1] William Empson, at this time giving lectures at Haileybury College as the deputy of Mackintosh.

'Government should take the hint and suppress it. This 'makes him look upon Hazelwood as rather a discovery, and 'I daresay you will see him.

'Empson showed me also a letter from the Marquis of 'Lansdowne to him (Empson), in which he promises to read 'the book with attention, and expresses his decided opinion 'that "unless the great public schools submit to be inoculated '"with the improvements which have been made in education, '"either the higher classes must leave them, or be content to lose '"their superiority in knowledge." You will, I suppose, by this 'time have received the *Westminster Review*, with a notice of '*Public Education*. It is written by Dr. Southwood Smith.

'M. D. HILL.'

A notice in the *Revue Encyclopédique* was by the editor, M. Jullien.[1] The *London Magazine* for April and May 1824, gave a review of the book, referring to the author as an 'Experi-'mentalist in Education,' and 'a very original thinker.' It was by De Quincey, and led to Mr. Hill's acquaintance with him.[2]

To Rowland Hill.

'KING'S BENCH WALK, *Feb. 19th*, 1825.

'Yesterday Brougham told me there was an article on *Public* '*Education* as large as life in the *Edinburgh*, a few copies of 'which were come to town by the mail, and he promised to lend 'me his copy in the evening. He, however, went to the House 'and forgot it, so that I was put to my wits' end, for as to going 'home till I had seen it—that, as you know, would be quite out 'of the question. At last I thought of Black, of the *Morning* '*Chronicle*, of whom I know a little. He showed it me, very

[1] 'In early youth,' Mr. Hill relates in a *Reminiscence*—'Jullien was the secre-'tary of Robespierre. It so happened that, between the years 1823 and 1830, I 'was brought into acquaintance with him as the reviewer of this book, sometimes 'at Hazelwood and sometimes in Paris; and, I believe, no doubt strange as the 'avowal may seem, that he was a man of principle—in youth, a fiery, unrelent-'ing, political bigot; in after life, when I knew him, a philanthropist; and in 'particular, a zealous, and disinterested friend of general education.'

[2] A *Reminiscence* of his friend, by Mr. Hill, and a letter from De Quincey, are given in Appendix I.

'kindly, and I found six-and-twenty pages of it, evidently 'written by Jeffrey in his *poco curante* style; or, as Leigh Hunt 'would say, in an easy tooth-picking manner. He thinks plans 'of little consequence, and objects of instruction of little con-'sequence. He thinks little more can be done than to teach 'boys cheaply, and make them happy under the operation. 'But he praises the book, and gives copious extracts from it; 'and—what is of more value than all—he gives a communica-'tion from a friend (Basil Hall of course), short, but very much 'to the purpose, and a very favourable piece of evidence.[1] The 'article is headed as a running title, "Public Education— '"Hazelwood School." Father and yourself are mentioned by 'name—father as the conductor, and you as the writer of an 'interesting letter to the "friend"; and two extracts from the 'letter are given—one describing the titular divisions of the 'school, and the other what would be the requisites for a school, 'such as schools ought to be.

'M. D. HILL.'

Theoretic objections to the Hazelwood system are put forward by the Edinburgh reviewer, in the early part of the article, (which were afterwards answered at length in the second edition of the book); but when he speaks of the results witnessed [by Captain Hall] during a visit to Hazelwood, his objections seem to melt away, and high approval is expressed of the plans in their practical operation. 'It is one splendid testimony in 'favour of this new system of discipline,' says the critic, 'that, 'under it, all corporal, and indeed all degrading punishments, 'have been found unnecessary.' And, he remarks—'the boys 'are not converted into little men. They are still boys, but 'boys with heads and hands fully employed on topics they 'like.'[2]

When Jefferson was organising the University of Virginia he heard of *Public Education* from Miss Frances Wright (whose acquaintance Mr. Hill had made at the house of Major Cart-

[1] Captain Basil Hall had recently visited the school, and was among its most enthusiastic admirers, and the article was possibly written by him.

[2] *Edinburgh Review*, No. lxxxii.

wright), and, through her, asked for a copy from the author.[1] The draft of the letter which probably accompanied it was found among Mr. Hill's papers, and is curious as showing the strength of his Republican sympathies at the time.

The University of Virginia has flourished from its commencement, amid many elements of decay, and in spite of the impoverishment of the South—which reached its worst in that State—consequent on the late war. Her prosperity and the advanced position she holds among the Universities of the United States, are attributed to the liberality of her constitution, which, like that of Hazelwood, conferred upon the pupil self-government, and freedom in the choice of his studies. These principles are now more or less in operation in the public schools which have come into existence, or risen from obscurity to distinction, in this country, during the past half-century. Their development may, not unreasonably, be in some degree attributed to the influence of the book which brought those principles into notice; and to Hazelwood School, which showed them in successful practice.

The history of *Knight's Quarterly Magazine*, which had its origin in the *Etonian*, and sketches of the knot of gifted men who were its chief supporters, have been given in interesting detail by its joint editor and publisher.[2] Its contributors usually took *noms de plume*, sometimes more than one. Thus Mr. Knight had three or four; Winthrop Mackworth Praed was both Peregrine Courtenay and Vyvyan Joyeuse, while Mr. Hill was sometimes William Payne, sometimes Martin Danvers Heaviside. Those who did not assume names, commonly signed themselves "Anonymous." An exception was made by Mrs. Hill—her own initials are appended to a Sonnet, "Dawn in London," in the second volume.

[1] Miss Wright, a Scottish lady, was well-known in her day, for her active sympathy with political and social reforms. She devoted much of her fortune to an experiment for preparing negroes for freedom. Her efforts to improve the education of women, and to obtain for them equal political rights with men—a movement which had few supporters fifty years ago—brought ridicule and obloquy upon her; and her character, even, was aspersed by persons unacquainted with her true history.

[2] See *Passages of a Working Life*; by Charles Knight.

In the autumn of 1824 Mr. Hill was present at a dinner at Cambridge given in celebration of the election of Tristram Merton (Macaulay) to a Trinity Fellowship. What fell from the young man during the evening impressed Mr. Hill with so deep a sense of his great powers, that at parting he urged him (as it is now known others did of higher authority), to set at naught the common advice to lawyers not to go into Parliament until they have obtained a reputation in their profession; and to enter the House of Commons the moment he could obtain a seat.

Mr. Hill and two or three other contributors to *Knight's Quarterly Magazine*, were dining with the editor when he received the MSS. of the *Songs of the Huguenots*. One of the party, Moultrie, himself a poet, read it aloud. The effect was electrical. All felt a new vein had been struck—not perhaps of the finest gold, for it was eloquence just budding into poetry, but exciting to the last degree; and their friend became, in their eyes, a new Tyrtæus.

An article by Heaviside "On Duelling," appeared in the first number. The death of a friend by the hand of his challenger in an unprovoked quarrel, had, some years before, profoundly affected Mr. Hill. He then shared the general sentiment in favour of this mode of arbitrament; but reading and reflection on the subject thus painfully thrust upon his attention, gradually modified his views.

At the date of the article society had no sympathy with the law which regarded the duellist as a murderer, and the consequence was that judge, jury, and counsel all united in evading it, as the writer describes in lively fashion. With the public mind in such chaos its speedy amelioration was not to be expected; but he sees promise of improvement. Already it had become the habit of his mind to study the principles by which correction must be guided. He perceives the canon—'that the severity 'of punishment ought not to be so great as to shock the general 'feeling, gradually toiling its way from the works of theorists '(as they are called), into the heads of practical men.' Hence he augurs that means will eventually be adopted for the repression of duelling, which shall satisfy, instead of revolting, public opinion. Meanwhile he suggests, as likely to prevent some of

those aggressions out of which duels arise, that after every such event, whether fatal or not, an inquest be held into the circumstances of the quarrel, with the object of discovering and punishing the aggressor. Nor would he have the other party, if worthy of blame, escape, though his penalty should 'have 'relation to the common feelings of mankind.' Society was not yet prepared entirely to discountenance duels. But if the proposed course were adopted 'that noxious animal the *bully* would 'become extinct.'

When this essay was written, the anomaly with respect to military men was still more extreme than that which prevailed among civilians. The Mutiny Act made it even possible for an officer to be punished for *not* fighting a duel, although the rules issued by the Horse Guards forbade duelling; and here again social law clashed with authority, since a regiment would get rid of an officer who refused to fight.

The death of Colonel Fawcett, killed by his brother-in-law in a duel, in 1843, produced so great a revulsion of feeling throughout the country, that public opinion would no longer sanction such outrages. Still more stringent rules were put forth by the War Office, and, with one exception (in 1845), the practice came to an end. Its decadence among military men doubtless exercised an influence over civilians; and thus, without change in the law, public opinion has abolished duelling.

"The Staffordshire Collieries," in *Knight's Quarterly Magazine*, for October 1823, records vividly the then social condition of the iron and coal producing district of the Midland Counties; and perpetuates some specimens of its extraordinary dialect.[1]

A lively sketch entitled "Early Recollections" is, like "My "Maiden Brief," in large part autobiographical.

In Mr. Hill's diary and correspondence after he had settled in London, there occurs from time to time the name of a well-

[1] Besides the dialect, the standard of morality accepted in the Black Country early in the century, is shown in the following conversation, quoted by Mr. Hill in an article in the *Morning Herald*, published in 1817.

Dudley Man.—"Oi say, surree, hew dust thee vowt for?"

Stourbridge Man.—"I caw tell—I've not made up my moind."

Dudley Man.—"Whoysna vowt for——? Thur best feller ee the wurrld; *damned his own feyther at foiv' 'ear ode!*"

known member of the "Eccentrics," Mr. Gent. If not in wit, at least in humour as well as in person, and it may be added in impudence also, he seems to have more nearly reproduced the "Fat Knight" than any other individual of whom record has been preserved. In "The Recollections of Abraham Gentian, Esq.,"[1] while declaring the impossibility of conveying in print an idea of his idiosyncrasy, any more than the beauty of a landscape or the flavour of champagne can be embodied in words, Martin Danvers Heaviside yet communicates to his readers something of the atmosphere of rollicking fun which this man seems to have carried with him into every circle he frequented:—'I have 'seen a lord, a poet, a hostler, a justice of the peace, a chamber-'maid, three political economists, a scholar, and a fine lady, all 'thrown into convulsions at one and the same time, at one and 'the same joke. Gentian was a dead shot at a blue devil. No 'matter where he found you, or in what temper. I would give 'you leave to be in a sick bed or a spunging-house; it might be 'the night your first play was damned; you might be going to 'have a tooth drawn, or have been reading your tailor's bill, or '*Pen Owen*, or the dying number of the *Liberal*, or enduring a 'speech from Mr. Bankes, or a debate at the Court of Aldermen, 'or listening to a curtain lecture, or attending a friend while his 'leg was cut off; you might be dining with Duke Humphry, or 'coming out of the cave of Trophonius; it was all the same to 'Gentian. He began, and unless you were both deaf and blind, 'it was Waterloo Bridge to a stepping-stone, York Minster 'to St. Pancras New Church, or Inigo Jones to Mr. Soane, 'but in five minutes your "lungs did crow like chanticleer." '. . . Gentian never lay *perdu* in the corner of a room, waiting 'for a happy moment to say a good thing. He seized on the 'conversation, and carried all in triumph before him. His eye, 'his rotund figure, his compressed lips, his hands, his feet, the 'whole man, gave the fullest information that laughing was to 'be the order of the day, and laugh all the world did; until, 'spent with fatigue, they feared a jest more than a whipping, 'and prayed in sincerity of heart for dullness and relief. Then 'came my turn to speak!'

[1] *Knight's Quarterly Magazine*, vol. ii.

The *Oriental Herald* for February, 1824 (then edited by James Silk Buckingham) contains an article by Mr. Hill, entitled "Political Expectations." It begins with the double proposition—more accurate in those days than, it may be hoped, it would be now—that it is very difficult for a politician to be an honest man, and very dangerous for an honest man to be a politician. The political student, unable to test his discoveries until Government consents to the experiment, is apt to over-estimate their value, or becomes disheartened. He may abandon hope of reform; but fanaticism is the more probable result, in which he denounces all who are not as "good haters" as himself, and, disgusted with what seems to him the apathy of those he would benefit, he may even pass over to the ranks of their oppressors.

The fiery reformer, too, is apt to over-calculate his strength and moral importance. Truth has burst on his mind, and he thinks men cannot be deaf to the good news. But—'let a man 'condescend to reflect for a moment what a petty fraction of 'humanity he is, and one would think his wildest desire of fame 'and usefulness might be satisfied with something short of 'working a sudden revolution in the destinies of his species. 'If,' the writer concludes, in words unconsciously prophetic, 'at the close of a long, laborious, and consistent life, he shall 'find the course of events inflected by his efforts, even in the 'slightest degree, towards the side of improvement, he may 'lay down his head with the highest and purest feelings of 'happiness which our nature is capable of enjoying.'

Briefs were now increasing in number, and Mr. Hill was becoming more and more engaged with Brougham and his fellow-workers in enterprises for the public welfare, demanding much time and labour. Leisure for writing diminished in proportion, and he published nothing beyond an occasional letter to a magazine or newspaper until 1838, when the question of Parliamentary privilege was raised by the case of Stockdale *v.* Hansard. This he dealt with at considerable length in a pamphlet, showing great research, entitled *A Letter to Thomas Pemberton, Esq., M.P., on the Privileges of the House of*

Commons now in Controversy, in which he disputed the views expressed by Mr. Pemberton.[1] The subject, indeed, which at the time engaged universal attention, and involved important constitutional questions, pretty equally divided public opinion, and proved so far beyond the scope of existing legal authority to decide, that an Act of Parliament was passed to settle it.

In answer to a letter from his friend Mr. John Kerr, of Glasgow, acknowledging a copy of this pamphlet, Mr. Hill humorously writes:—'I always thought you Scotch were no lawyers. Dry, is 'it? Prynne dry? The *Journals* of the House of Commons dry? 'Mansfield dry? Perhaps he was—he was a Scot. Why, you 'have not a soul above a Scotch novel. You would prefer such 'caterwauling as *Old Mortality* to the fine old Anglo-Norman 'black-letter French of our Year-books, and fall asleep over '*Domesday* itself!' In a different tone he cites the treatise, in correspondence with Mr. Craik,[2] when the latter was dealing with the period of English history covered by the Protectorate. 'My 'feeling of the value of the great struggle,' Mr. Hill says, 'is that 'it lifted the legal and constitutional instincts of the people and 'the lawyers. That effect is, therefore, as well or better shown 'after the Restoration, than while those feelings were kept in 'abeyance, to a certain extent, by the military tone necessarily 'consequent on the triumph and power of Cromwell. It is 'worth notice that it never had sway after the Restoration; and 'that after this event the great questions were fought in Parlia-'ment, the Courts of Law, the Municipal assemblies of the 'people (*e.g.*, the election of Sheriffs of London), the dis-'senting Meeting-houses, and by means of the press. Would 'not this be a good opportunity to display the growth of power 'in the Courts by usurpation, and to explain the nature of judge-'made law? I think you will find materials sufficient for such 'a purpose in my *Letter to Mr. Pemberton*, with all the necessary 'references. Even lawyers are scarcely aware how little of 'positive enactment or ancient usage our Courts have for their 'present powers and jurisdiction.'

[1] London, Knight and Co., 1838. Mr. Pemberton was afterwards Lord Kingsdown.

[2] George Lillie Craik, appointed to the Chair of History and English Literature at Queen's College, Belfast, on its opening in 1849.

In the *Edinburgh Review* for January, 1840, an article by Mr. Hill gave the history of his brother's scheme of postal reform which in that month came into operation.

The Law Amendment Society was established in 1844. A periodical publication for reporting its proceedings and advocating its views, was soon found to be necessary, and the *Law Review* was commenced, to which Mr. Hill was for many years a contributor. Indeed, henceforth, with the exception of letters to the press on Co-operation and other questions of the day, and memoranda concerning the history of his native town and her more distinguished citizens, which late in life he amused himself by contributing to the Birmingham newspapers, his pen was occupied with legal subjects; and, during the last twenty years of his life, almost entirely with criminal jurisprudence.

What has been adduced shows that he possessed the elements of success as an author. To extensive reading and observation, and the power of throwing the facts thus gathered into the crucible of his mind and reproducing them in an original form, were added mental courage, and large sympathies. With some few exceptions his writings are distinguished for clearness, and always for ease—for that literary composition was laborious to him he entirely concealed from his reader. The influence of Hazlitt, one of the most striking prose writers of his youth, may be traced in his lighter pieces; but it cannot be doubted that his independence of thought and pure taste would have freed his matured style from all imitation. Had the circumstances of his life permitted him to concentrate his powers on works of adequate extent, such as he from time to time projected but never had leisure to accomplish, it is not improbable that he would have won high literary reputation.

CHAPTER V.

Questions of Social Advancement—Education—Dr. Bell's Plan—*Chrestomathia*—Educational Society—Wilberforce—Hazelwood Plan—Bruce Castle—Thomas Campbell—London University—Isaac Lyon Goldsmid—James Morrison—University College—Laying First Stone—Scheme of *Chrestomathia* Fulfilled—Lack of Popular Literature—Society for Diffusion of Useful Knowledge—Its Publications—Long Vacation of 1828—Brougham Hall—Visit to Scotland—Extension of Society—Letter from Brougham—Glasgow—Mr. Atkinson—Mr. Neilson—Gas Works—Mutual Improvement Society—Robert Owen—New Lanark—Edinburgh—Local Committee—Jeffrey—Murray—Dunglass—*Bride of Lammermoor*—Birmingham Committee—"History of the People"—Manual for Mechanics' Institutes—Society's Publications widely Translated—Its Object Achieved—Its Labours Suspended.

JUST as release from the concentration of every resource the nation possessed on the conduct of a long and exhausting war, left men's minds free to combat the political evils they had been silently enduring, so did it set their thoughts at liberty to deal with questions of social advancement. Of these education was the foremost. The first impulse to parliamentary action was given by Brougham in 1816, in a motion which had reference to the lower classes in the metropolis. He was already in association with David Ricardo, Mackintosh, James Mill, and others, to establish day-schools, on Dr. Bell's plan, for both sexes of the middle and upper ranks, a project set forth by Bentham with much detail in *Chrestomathia*,[1] but, as it proved, not to be realized in its entirety for many years. Meanwhile various schemes suggested by the growing desire for a system of education which should deserve to be called national, were coming to light.

Among Mr. Hill's papers was found a prospectus dated 1824,

[1] London, 1815. The title, as Bentham explains, is formed from two Greek words signifying "Useful Learning."

entitled an "Outline of a Plan for carrying into effect the objects of the Society for Promoting the Science of Education."[1] These are—technical education in its widest sense; an easy channel of communication among teachers, and means of testing and utilizing their suggestions; the improvement of school buildings and apparatus; a reform in rewards and punishments; reduction of expense (of the first importance when there was no Government grant in aid of education);[1] and ambulatory lecturers to spread throughout the country information on all educational subjects. Many of the improvements suggested have since been gradually effected by various agencies. But these have often lacked the force which it is easy to conceive a powerful society would have wielded; and much untoward delay might have been avoided had Mr. Hill been able to carry his comprehensive scheme. This he laboured hard to achieve. Several friends of education joined his society. Wilberforce and other eminent men were interested in its behalf; but projects more or less resembling it were now rife, and its promoters gave up the identity of their own to swell the forces of two, which—with the common object of popular education for their goal—were soon to be successfully pursuing different, though parallel, lines. One was the Society for the Diffusion of Useful Knowledge; the other, the London University.

To Rowland Hill.

'TEMPLE, *Jan.* 27*th*, 1825.

'. . . Brougham says (*inter nos*) that he and some others 'have a scheme for a great establishment on the *Chrestomathia* 'plan, and that they mean to combine the Hazelwood plan with 'it. They don't know what they are about, but we can teach 'them. Brougham is much interested in the subject, and some-'thing will now be done, I do think. 'M. D. HILL.'

[1] The first Parliamentary Grant of 20,000*l.* was voted in 1833, and was to be used for building purposes alone. In 1839 a Committee of the Privy Council for Education was formed, and public inspection was established. In 1846 the foundation was laid of the system of grants to all schools ready to submit to inspection. The office of Vice-President of the Council was established in 1855.

On February 9th he writes to the same:—'In the *Times* of to-'day you will see a letter of Campbell's[1] to Brougham, on the 'project of a Metropolitan University.'

In his letter, Campbell shows himself to be over-sanguine as to the effect to be anticipated from the labours of Bell and Lancaster, and from Mechanics' Institutes recently established. He speaks of the education of the working classes as secured, and insists upon the consequent necessity of putting the means of liberal instruction within reach of their employers. He points out the dangers of 'ignorant wealth'; and, after remarking that though lectures had been instituted, these are for adults, and that examinations must form part of any system for the education of youth, he continues—'the plan I suggest is a great London University for the middling rich,' whom he defines to be—'all between mechanics, and the enormously rich.' He dwells on the advantage to the young of residing under their parents' roof; and combats the objection that discipline cannot be maintained among non-resident students, by adducing his own experience to the contrary, when an *alumnus* at Glasgow.

To Rowland Hill.

'COURT OF COMMON PLEAS, GUILDHALL, *Feb.* 23*rd*, 1825.

'Brougham has just told me the result of his interview 'yesterday with John Smith,[2] and Mill. They have resolved to 'found a school on the Hazelwood plan immediately. Brougham 'has some money in hand, and J. Smith has offered to find the 'rest at four per cent. Brougham says that Burdett, Hobhouse, 'and Mill, are strongly in favour of Hazelwood, and think '—— has behaved extremely ill, so that, as far as I can 'learn, he is left in the glorious minority of one.

'M. D. HILL.'

The want of a school on the Hazelwood plan, near the capital, was however to be otherwise supplied. A branch of the original establishment was transferred to the neighbourhood of the metropolis, whither some years later the whole was

[1] Thomas Campbell, the poet. [2] M.P. for Midhurst.

removed. Bentham, in a letter to Thomas Wright Hill, dated 1827, says:—'I embrace this opportunity of giving expression 'to my delight at what I have partly seen, partly, by the latest 'intelligence, heard, of the flourishing state of the beautiful 'offset taken from Hazelwood and planted at Bruce Castle.'[1]

Soon after Campbell's letter appeared in the *Times*, Brougham gave notice in the House of Commons of a Bill to incorporate the London University. The Government, apprehensive of anything which might increase the power of the Liberals, refused to grant a Charter, but fortunately the Act was not essential to the execution of the scheme. Several preliminary gatherings of its promoters, of whom Mr. Hill was one, had taken place previous to a public meeting held on the 1st of July 1825, at the City of London Tavern, and said to be the largest which had ever assembled in the City. The issue was a resolve to achieve the plan by a committee of donors and shareholders.

The great financial panic of December, 1825, and the consequent depression of monetary affairs, delayed the accession of funds, and the sum raised by the following autumn fell far short of the £150,000 required under the deed of settlement before building should commence. A few individuals, notably Isaac Lyon Goldsmid, John Smith, M.P., and James Morrison, made up the deficiency.[2] A site bordering on Gower Street was

[1] Bruce Castle stands in the parish of Tottenham, and occupies part of a fief granted to Robert Bruce by Edward I. There the school was carried on successively by Rowland and Arthur Hill, and by other members of the family, until 1877, when it passed into the hands of the Rev. William Almack.

[2] Mr. Morrison was the head, as he had been virtually the founder, of the wholesale drapery firm of Morrison, Dillon, and Co., in Fore Street, which some years ago became a joint-stock company. The breadth and soundness of the views with which he directed its vast operations were explained in a contribution to the *Spectator*, from Mr. Hill's pen, shortly after his friend's death towards the end of 1857. The writer observes:—'We have spoken of the division of labour carried 'to its legitimate extent. Perhaps one of the most potent causes of Mr. Morri-'son's success in life, was the sagacity and sound judgment with which he 'assigned proper limits to the division of labour. It seems inseparable from our 'progress in popular sciences like that of political economy, that great truths, 'after having been resisted with obstinate bigotry for long periods—sometimes for 'ages—should with equal bigotry be held as of universal application, so soon as 'they become generally admitted. It has been thus with the principle of divi-'sion of labour—resisted by those who were totally ignorant on the subject—'misapplied by sciolists who only half understand the doctrine. Hence nearly

purchased, and on the 30th of April, 1827, the first stone was laid by the Duke of Sussex, Dr. Cox, Honorary Secretary of the Council, reading the inscription upon it. On the 1st of October, 1828, it was opened to students. A Charter was obtained for it, in 1836, under the title of University College, for which that of "London University" was relinquished. No religious qualification was required for admission, and theology, as a compulsory subject, was absent from its curriculum. Its distinctive character was that all creeds should meet on equal ground.

The present London University may be regarded as the offspring of University College. It is almost purely an examining body, and has its local habitation in Burlington House. Its distinguishing feature is its capacity to examine candidates for its degrees and honours without reference to the source whence they have obtained their education. By the recent admission of women to its examinations, and to the faculties of arts, laws, and sciences at University College, is at length fulfilled the scheme of *Chrestomathia*, wherein lay the germ of the original London University, which contemplated equal benefit to both sexes.

It is well nigh impossible in the present day of cheap and healthy literature of all descriptions, to conceive the barrenness of the press fifty years ago, as regards books suited in price and character to the educational needs of the lower-middle, and working classes. Cobbett, it is true, had by the great reduction in the price of his *Political Register* put it in the hands of his countrymen generally, but a periodical devoted to current politics could meet only one of the many wants of a reading public.[1] The humbler class of light literature was indeed not costly; but the writings of Scott (both in poetry and prose) and of the other great authors of the age, were issued at very high prices, and many years elapsed before the growing

'as much mischief has been done by a false division of labour, as by no division 'at all. James Morrison was no sciolist, and he never split on such a rock.'

[1] Godwin was believed to have escaped prosecution for his *Political Justice* simply because the price raised it above the reach of the lower orders; and, as regards costliness, it was a fair specimen of the standard works of the end of the last and the first quarter of the present century.

taste for wholesome reading called for cheap editions. Nor were there at that time works on science and the arts which, whatever their price, could be enjoyed by persons who had not received a learned education.

What had been done by the Society for the Promotion of Christian Knowledge, and by the Religious Tract Society, dating respectively from the beginning and end of the eighteenth century, must not be forgotten; but their publications, until some time after the period now spoken of, were almost limited to those of a distinctly religious character, and consisted largely of tracts and broadsheets, so that they also met but one of many wants. Thus it may be said that a literature for the people did not yet exist.

No social question at this time excited such hot discussion, or opinions so diverse, as the education of the working classes. The upper ranks, as a rule, still regarded it with jealousy, or even with terror; at best they were indifferent. But, happily, by those a step lower in the social scale, it was beginning to be generally recognized as both the right of the individual, and the safety of the community. Schools were spreading, and Mechanics' Institutes were rapidly increasing in number. These, however, would remain barren of result unless supplemented by a literature at once excellent, abundant, and cheap. Nor was it that books alone were lacking. A demand for them had to be created. This could only be effected by providing works of standard excellence, both at a price within the reach of every working man and woman, and adapted to their needs. The autumn of 1826 found Brougham organizing a society to supply the want.

In Charles Knight's *Plain Englishman* an article had appeared so far back as 1822, headed "Diffusion of Useful Knowledge." This was the name chosen for the new society. Mr. Knight had already projected the issue of a series of popular works by first-rate authors. His friend Hill, assuring him that 'great 'things might now be done,' introduced him to Brougham. A committee was soon at work.[1] It represented almost every

[1] Matthew and Rowland Hill were among the original members; their brother Edwin joined the committee a year later on his removal to London.

creed, and included distinguished statesmen, and men eminent in every branch of learning. So prompt was it in action that the first publication, *No. I.*, of a series of fortnightly sixpenny numbers, forming the *Library of Useful Knowledge*, appeared in March 1827. This was Brougham's "Discourse on the objects, "advantages, and pleasures of Science."

The aim of the Society in its fullest scope was to promote a love of freedom, and of peace, by educating the people and elevating their tastes.[1] Thus to promote throughout the country Reading Societies, Friendly Societies based on safe principles, and Mechanics' Libraries and Institutions, and to establish a system of periodical lectures, formed part of its programme; but its publications were its main feature. The almanacs of the day were bad in every sense. To supersede them it aided Mr. Knight in bringing out the *British Almanac*, which he had long projected. In the success this and its appended *Companion* attained, in the gradual extinction of its predecessors, and in the multiplication of good almanacs after the reduction and final abolition of the excessive tax on these publications, which he helped to remove, Mr. Hill took great interest, often referring to the subject in his letters and speeches.

When proposing the *Library of Entertaining Knowledge*, Mr. Hill enumerated among the works it would contain "Remark- "able Trials," and "Historical Parallels." Of a third he observed that it—'would exhibit the processes by which many men 'have arrived at the highest eminence amidst poverty and 'want of leisure; and while they furnished valuable hints to 'those who were pursuing the same honourable career, would 'prove that no station is so devoid of means and favourable 'circumstances that knowledge may not be attained, if the 'determined will to attain it be not wanting.' The book thus sketched was published under the title of "The Pursuit of "Knowledge under Difficulties." It was written by Mr. Craik, and became extremely popular.

The *Library of Useful Knowledge* soon reached a circulation of nearly twenty thousand. The *Entertaining Library* was equally successful. The *Working Man's Companion*, designed

[1] Charter of Incorporation, 1832.

to supply the means of self-education to the labouring classes after quitting school, met with a like sale. One volume of this series, by Dr. Conolly, issued during the cholera visitation of 1832, set forth not only means for dealing with the malady itself, but those principles of prevention which demand obedience to the laws of health.

The Society began its monthly series of admirable maps in September, 1830. When suggested by Admiral Beaufort, the smallest map then published cost half-a-crown; the Society proposed to make a shilling the price of theirs. He, however, insisted it should not exceed sixpence, and promised on this condition to superintend the construction of the maps, and to give them the benefit of all the surveys at the Admiralty. Such an offer was not to be refused; and the maps became standards of cheapness as well as of excellence.

The *Quarterly Journal of Education*, recalling by some of its suggestions the prospectus of Mr. Hill's "Educational Society," was begun in 1831. The *Penny Magazine* appeared at the end of March in the next year.[1] Very soon the sale of a single issue reached two hundred thousand. Its great success led to the publication of the *Penny Cyclopædia*.[2]

[1] The Brothers Chambers anticipated this magazine a few weeks by their admirable *Journal*, the first number of which had come out in February; but its price was higher, and it was not illustrated. The *Saturday Magazine* of the Christian Knowledge Society—evidently modelled upon the *Penny Magazine*—appeared a few months later; other similar publications followed, and cheap popular serials, combining instruction with amusement, rapidly became abundant.

[2] The following letter, called forth by an inaccurate statement which obtained wide circulation many years afterwards, narrates the origin of both:—

To the Editor of the 'Durham Chronicle.'

'*Oct.* 16*th*, 1858.

'Sir,—Some unknown friend has kindly sent me a copy of your impression of 'yesterday, and has drawn my attention to a very complimentary paragraph 'relating to myself, which, however, truth and justice forbid me to accept to its 'full extent, or anything approaching thereto. No doubt I suggested the *Penny* '*Magazine*, and furnished its title; but that suggestion would have fallen to the 'ground had it not been made to Charles Knight, who combined all the endow-'ments essential to the successful issue of such an experiment—he taking upon 'himself all the financial responsibilities, and yet giving up a considerable sum 'out of the profits to the Society for the Diffusion of Useful Knowledge, in whose 'name and under whose general superintendence the publication went forth. 'Mr. Knight, however, was the Editor from first to last; and to his talent, zeal,

Miss Martineau's *Illustrations of the Poor Laws* appeared in 1833.[1]

Mr. Hill's correspondence shows how largely such time and thought as he could spare were devoted to the affairs of the Useful Knowledge Society. In the autumn of 1828 he was at the English Lakes, and paid a visit at Brougham Hall. 'I 'came here with Mr. Brougham from Lancaster to-day,' he writes to Charles Knight. 'Scenery glorious, of course; but I fear we 'talked more about Diffusion of Knowledge than anything else.'

It was perhaps inevitable that Brougham and his guest, spending five days in each other's company, should strike out fresh plans for forwarding their common enterprise. Mr. Hill had his vacation to spend, and was already on the borders of Scotland. What an opportunity for breaking new ground, and creating fresh centres of operation! His wife, who had anticipated perfect rest to restore him from long-continued ill-health, was dismayed when she heard how his holiday was to be utilised; but the proposed benefit to the Society had an irresistible fascination for him, and the Scottish tour was undertaken. Brougham supplied introductions, and poured forth suggestions. The following extracts from a letter of this date show his interest in the minutest details of the work:—

From Mr. Brougham, M.P.

'MY DEAR H., 'BROUGHAM, Monday.

'... I have begged Knight to set about the subject—"Escape '"from Perils of Fire and Water." It will require a threefold

'and perseverance, the great sale to which the work attained, and its consequent 'usefulness, must be attributed. To the same ardour for the diffusion of know-'ledge we owe the *Penny Cyclopædia*, perhaps the greatest single contribution to 'public instruction of all classes, from the highest to the lowest, ever made in 'this or any other country; for while its cheapness rendered it accessible to all, 'or if not all to immense numbers, the learning and ability of its authors placed 'it on a par with the best of its contemporaries. Unhappily the expenditure 'upon it, aggravated by the tax on paper, has prevented it from being equally 'valuable to its projector and publisher as to its readers. The return to Mr. 'Knight of what he has paid under the compulsion of this cruel and most un-'justifiable impost would, I have no doubt, be deemed by him (though not by me) 'an ample remuneration for his labour and anxiety spread over many long years.

'M. D. HILL.'

[1] *Annual Reports of the Society for the Diffusion of Useful Knowledge.*

'treatment. A treatise (*Useful Knowledge*),—a book (*Entertain-*
'*ing Knowledge*), with anecdotes, and illustrated,—an abstract
'of hints for avoiding choking and drowning, and methods of
'restoring persons affected by either, for the *Companion*. The
'latter (the method of restoring) can be collected in time for
'next *Companion* from the publications of the Humane Society.
'The former, "Hints for Avoiding"—will take longer time, and
'may be added next year. . . . . I now proceed to a few memo-
'randa. At Edinburgh you have the letter inclosed for Jeffrey,
'who is expecting you, by a letter I have from him to-day.
'Horner will send you letters for Dr. Greville and Mr. Ellis; but
'Mr. Murray, to whom Jeffrey will introduce you, knows them
'all, and will bring you together.[1] If any one connected with the
'School of Arts would undertake a really popular "Introduction
'"to Mechanics," on the plan we have so often discussed, it would
'be most useful; and if any other would undertake "Astronomy"
'in the same way, so much the better . . . . Try by all means to
'see Basil Hall on the points I refer to in the letter to him.

'At Glasgow of course you will see Atkinson.[2] Be lavish of
'commendation to him from the committee—he deserves it all.
'Make him put you in communication with Dr. Colquhoun.
'If "Dyeing and Bleaching" are not engaged, you might put
'the latter on them. Mr. Neilson will be a most important
'person to see.[3] The plan of mutual teaching by volunteer
'lecturers among the workmen, deserves attention. Mr. Neilson
'will also be useful as a contributor. He and Mr. Atkinson
'will probably be able to point out other co-operators in both
'departments—but especially the *Library of Useful Knowledge*.
'And don't forget under this head the "Farmer's Series," which,

[1] John Murray of Henderland. He became Lord Advocate in 1834, and was raised to the Judicial Bench in 1839. Although they rarely met in after years, a warm friendship subsisted between Mr. Hill and Lord Murray until the death of the latter, in 1859.

[2] Mr. Atkinson was a young bookseller who had devoted himself to the Society's interests. Dying early, he bequeathed the bulk of his little property to aid in the diffusion of knowledge, by means of public lectures to be delivered at Glasgow, at a very low charge.

[3] Mr. Neilson, the Manager of the Glasgow Gas Works, had established a Mutual Improvement Society among his men: This has died away; but a library originated by it remains, and is still used by the workmen.

'in fact, is just as applicable to the artisans; I mean the plan 'of an *irregular* treatise which shall attract men disinclined to 'read for mere reading sake, but willing to read what will turn 'to immediate account,—a plan to be executed by taking those 'parts of any science which are directly applicable to the 'employments of the reader, and first giving him the rules, 'with their illustrations, then the principles of those rules, then 'interesting matter, not immediately useful, connected with these 'principles.[1] Thus (though the instance is agricultural, it will 'illustrate any other class) if I want to attract a farmer or 'peasant, I—among other things—explain the way to treat sheep 'in washing them, thus:—The water must not be hard from 'chalk, for that breaks the yolk of the wool and makes it lean, 'dry, and bad. How? The yolk is a natural soap—composed 'of an alkaline salt, and grease. The hardness of the water 'arises from carbonate of lime. This decomposes the yolky 'soap, and leaves the wool without its natural protection at 'the roots. I then digress upon the composition of the soap, 'and of all soaps, and give some idea of the alkali, and the 'singular metal it is composed of.

'Such treatises must from their nature be rambling and 'irregular; but they may be *somewhat* systematized, with a 'little care, and at any rate, may be made to convey a great 'deal of information, and excite the reader to seek for more 'in a more regular form.

'If you go to Dunbar, see my correspondent, Mr. Watson of 'the Distillery there—a most zealous and excellent man. Your 'impression of the absolute and pressing necessity of more 'popular matter of science, is satisfactory; it is the fact accord-'ing with the theory. We must pour in the ultra-popular '"Introductions," and several practical treatises. But the *Enter-'taining Knowledge* will stop up all holes. 'H. BROUGHAM.'

To Margaret Hill.

'GLASGOW, *Sept. 23rd*, 1828.

'. . . I am not in the humour to describe Edinburgh, for, 'although I am convinced it is a very fine place, I never felt

[1] The first treatise in the "Farmer's Series" appeared on the 1st September, 1829; by May of the following year its sale exceeded ten thousand copies.

'it so, except one evening for a few moments on the Calton 'Hill, where, after rising at once from the very heart of the 'capital, I was in a few minutes in a profound silence, and 'as much alone as on a Cumberland Fell. Yet when I looked 'over the brow of the mountain I saw the whole city made 'obvious by its lights twinkling from every window, and by 'long avenues of lamps lining superb streets, that radiated 'from the face of the rock on which I stood. Indeed, I was 'near enough to see the persons of the inhabitants as they 'thronged the great thoroughfares.

'Almost every one to whom I had letters was out of town— 'Jeffrey, Basil Hall, &c. I found De Quincey, who has for 'the tenth time renounced opium, which he said he had not 'tasted for one hundred and eighty days. He received me with 'great warmth, and spoke of you and the children with much 'interest. 'M. D. HILL.'

The upper classes of Glasgow, with a few exceptions, were 'torpid' about the affairs of the Society. Professor Mylne, however, and Mr. John Kerr and Mr. M'Gregor (Writers to the Signet), were alive to its importance, and gave it their valuable co-operation. The working people in this as well as in other parts of Scotland soon evinced their appreciation of the Society's books by buying them largely.

To Mr. Brougham.

'LANARK, *Sept. 24th*, 1828.

'This morning before I left Glasgow I had a long talk with 'Neilson, whom I like very much. . . I am quite delighted 'too with his management of his Institution for the mutual 'instruction of the workmen. He seems thoroughly imbued 'with the *laissez-nous-faire* principle, and leaves the manage- 'ment *bonâ fide* to the men themselves. I went into all the 'rooms—their laboratory, and their "hall," as they rather ambi- 'tiously call a small plain room rudely furnished, but quite 'sufficiently, with a table, and deal planks for seats. There I 'saw their apparatus, made by themselves, and, apparently very 'well constructed. Their library I was much pleased with.

'They have about four hundred volumes—a very miscellaneous 'assortment—from Smith's *Wealth of Nations* to Minerva Press 'novels. I was curious to learn what class of works was most 'studied. As far as I can judge, from the appearance of the 'books themselves, I should say that treatises on the application 'of science to the useful arts were most read. The novels ap-'peared well-thumbed; but I find these poor fellows, with true 'Scotch thrift, do not buy them new, but get them from the 'circulating libraries, so that they come to their hands pretty 'well worn. I took down a translation of *Montesquieu*, and was 'not surprised to find it quite as good as new. I inquired how 'many of the men took part in the teaching, and I found that 'out of sixty (the whole number), upwards of twenty were 'efficient teachers, and that six or seven would not feel afraid to 'give lectures in public—if such a step were desirable, which 'might admit of question. A very black personage assisted in 'doing the honours of the morning. He can talk very learnedly 'about the Greek philosophers, and, what is more to the purpose, 'has made and carried into execution, in his capacity of brick-'layer, several valuable improvements in the mode of building 'the stoves. I found out this important fact in answer to my 'inquiry as to whether their studies enabled the men to suggest 'improvements in their various departments. Neilson answered 'in the affirmative, and adduced our sable friend as an instance. 'This appears to me a most admirable test of the plan, and a 'valuable reward to the company, which furnish such enlight-'ened patronage.

'In general, workmen are averse to all innovation, and their 'indisposition to change their plans thwarts an enterprising 'employer more than can be readily imagined. I myself had 'a relative who was a West Indian planter, and who tried to 'ease the labour of his negroes by changing the baskets with 'which they removed soil (carrying them on their heads) for 'wheelbarrows. The poor wretches clamoured for their baskets, 'and when they found they must use the barrows they abso-'lutely refused to wheel them along, but carried them also 'about on their heads! It is a great thing to change this 'negative quantity of intellect for the positive power of origin-

'ating improvements. And yet such is the infatuation of 'masters that the wish among them to educate the lower orders 'is by no means universal—not even among those who have 'themselves risen from the ranks. . . . I mean to inspect 'Owen's place to-morrow, and go to Edinburgh in the evening.

'M. D. HILL.'

Robert Owen and his partners (a Manchester firm) bought the cotton-spinning mills at New Lanark, in 1797. From 1800 Owen partially lived there, and a few years later fixed his abode among the operatives whom his sagacious benevolence converted into a model community. In 1825 he purchased the settlement of Harmony in the United States, when his sojourn at New Lanark became interrupted; and in 1829 he finally quitted the place.[1] Mr. Hill was for many years on terms of friendly intimacy with him, esteeming highly his purity of character, and self-devotion to what he believed to be the welfare of the human race.

To Margaret Hill.

'LANARK, *Sept. 25th*, 1828.

'This morning I called at Mr. Owen's. He was not at home, 'nor any of his sons, but one of his daughters gave me a note 'of admission to the works, with which I was much pleased. 'Judging from the state in which Rowland described the estab-'lishment when he saw it, there are symptoms of a falling off 'since Owen left; but still it must be a very happy community. 'The children and young people struck me by their personal 'beauty. I saw them winding down the various avenues lead-'ing to the works, after their dinner hour had elapsed, clean and 'happy, and very orderly, without the least appearance of 'restraint. The girls stepped along barefooted, with the air of 'Vestris, but without her impudence. I am at length quite

[1] Answering a letter from Mr. Hill during his Scottish tour, Charles Knight writes:—'Owen has been in town with a grand new scheme for the Mexican 'Government giving him a *Sovereignty*—the province of Texas—for a small co-'operative experiment! He wants Cuba and Canada for the same object. He 'has been drawing up a memorial about the Texas affair, and swears he shall do 'the job.'

'reconciled to the sight of decently-dressed females without 'shoes and stockings. The children in the schools were more 'disorderly than I had expected, and among the little ones I 'saw a good deal of fighting. The master, too, appeared to be 'in a constant state of painful exertion to keep them in their 'place, and to preserve a very distant approach to silence; 'and, as might naturally be expected, he sometimes lost his 'temper, and struck the little souls—not always either with a 'very light hand.

'From Lanark I went to Corra Linn. As Scott has some- 'where described it, I shall not. . . I gave up Loch Lomond— 'the weather was very unpromising when I left Glasgow—a 'dull nasty Scotch mist. Moreover, I will see no more scenery 'alone, but I am determined to bring you another year. Again, 'I will not see scenery in a steamboat. It is lying in the words 'of truth to say you *see* Loch Lomond, or any other loch, in 'the circumstances under which you are placed in a steam- 'boat. First you have the *dither* of the engine, next, the smell 'of melting grease, then, the chatter of stupid people. But the 'great, overwhelming, pleasure-swallowing, thrice-cursed nui- 'sance is the smoke; and note here that Scotch chimneys are 'not satisfied with smoking now and then, but their engines 'require coals—as the throats of their masters require whisky '—eternally. 'M. D. HILL.'

No meeting of the local committee of the Useful Knowledge Society, had ever been held at Edinburgh, until it assembled to greet Mr. Hill, when many of the most eminent men of the northern capital gathered round him.

To Mr. Brougham.

'EDINBURGH, *Sept. 30th*, 1828.

'. . . We have just held our meeting here; present, J. Mur- 'ray, Jeffrey, T. Thomson, Dr. Greville, Ellis, Allan Thom- 'son (son of Dr. John Thomson), [Mr. Macvey] Napier, and 'Dr. Maclaggan. I detailed to them what we were doing, and 'they expressed their readiness to co-operate, asked to have

'a complete list of treatises wanted, and promised to look out 'vigorously for writers of popular "Introductions."

'*Oct. 2nd.*—Last night I attended a lecture by Dr. Fife, 'at the School of Arts. I was delighted with the audience. 'A large room was crowded with old and young, from sixty to 'twelve years of age. The most perfect order prevailed, and 'the lecture (on Chemistry) was well adapted to the audience. 'I hope the committee will keep a sharp eye on these lecturers. 'I cannot help thinking they must be the right sort of men for 'the ultra-popular series. . . . I am not sure that Jeffrey is 'out and out with us, but perhaps I do not understand him 'quite. I have dined with him twice, but others have always 'been present, except for a short time. I should like to see 'more of him, but I have already stayed beyond my time.

'M. D. HILL.'

To Margaret Hill.

'DUNGLASS, *Oct. 6th*, 1828.

'I have been spending a very pleasant day and night here, at 'the house of Sir James Hall, the father of Captain Basil Hall, 'who is a very pleasant man. The house will interest you, as 'it is the one Scott had in his eye in the *Bride of Lammermoor*, 'as the residence of the great man, the father of the bride. 'Yesterday they pointed out to me Wolf's Crag, a ruined castle 'jutting into the sea, and I looked over Lammermoor. . .

'This morning I set out for Newcastle. To-morrow evening 'I hope to get away from there for York, and, only stopping an 'hour or two to see the cathedral, come to you as fast as I can, 'consistent with the necessity of guarding against excessive 'fatigue. On the whole, however, I am decidedly better, and 'am recovering my strength and spirits. 'M. D. H.'

Dunglass is not very far from Abbotsford. Captain Basil Hall, who was intimate with Sir Walter Scott, urged his guest to visit him, offering a letter of introduction. But nothing beyond the gratification of Mr. Hill's personal feeling was to be anticipated from the meeting, and he shrank from adding

to the crowd of strangers who flocked to Abbotsford. He never saw Sir Walter Scott.

In the following April Brougham, finding that his friend was spending some days at Birmingham, wrote:—'I am extremely 'anxious that you should employ some part of your time in 'conferring with our brethren [of the Useful Knowledge So-'ciety] there, with the view of producing more active and 'regular co-operation. . . . We must have means of obtaining 'the information, statistical and other, required from time to 'time, respecting Birmingham and the great manufacturing 'district of which it is the centre and heart; and, above 'all, of obtaining the literary assistance which on many sub-'jects Birmingham must be able to furnish, and on some must 'be better able than any other place. Those subjects—chiefly in 'the department of "Practical Treatises"—will at once suggest 'themselves; and it ought carefully to be kept in mind that, by 'a little pains, more practical men may be made available to 'literary uses. They furnish the matter which literary men 'can easily put into shape. . . . Birmingham ought to be the 'centre of another, though connected, system—courses of lec-'tures always going on in succession in that and the other towns 'in a circuit of twenty miles; one, or at most, two lecturers 'being sufficient for the whole—by itinerancy—among the Me-'chanics' Institutes formed, or which would be formed, there. 'But this will follow from a good organisation of our committee. '. . . I have not had time to weigh your plan of a *History of* '*the People*, as regards details. Of the value of the plan itself 'there can be no doubt.'

No work of the scope suggested by Mr. Hill was brought out by the Society, but a "History of the People" constituted an important part of the *Pictorial History of England* which Mr. Knight published some years afterwards.

The Society obtained valuable correspondents on the Continent and in the United States. From an early date its shorter treatises were regularly translated into French, and, occasionally, into most of the other European languages, including Spanish for circulation in South America. Among the further services it rendered as time went on, was the publication of a *Manual* for

the guidance of Mechanics' Institutes, drawn up from answers to questions addressed to the managers of those already in existence. This was supplemented in 1841 by a *Report* on the then state of these institutions; and the two books probably comprehend all attainable knowledge on the subject, up to the latter date.

The Society for the Diffusion of Useful Knowledge never has been formally dissolved; but in 1846 it suspended its operations. It had created a popular demand for a high class of literature, and the consequence was as certain as it was desirable. Publishers stepped into the position thus opened to them, and its labours were no longer needed.[1]

[1] Mr. Hill relates, in more detail, the conclusion of its history, in a letter to the *Times* (February 19th, 1869), called forth by gross inaccuracies concerning the Society, contained in what he calls, 'the romance entitled *Lives of Lord Lyndhurst and Lord Brougham*, by Lord Campbell.'

CHAPTER VI.

First Parliamentary Case—Manchester Gas Bill—Circuit Letters—Removes to Chancery Lane—Society There—Visit to Paris—The *Exposition*—Sunday in France and in England—*John Bull au Louvre*—Industrial Exhibitions in the United Kingdom—Exhibition of 1851—Letters to his Wife—Sessions Practice—Newark Elections—Serjeant Wilde—Brougham Returned for Yorkshire—Revolution of 1830—Proposed Work on Paris—Third Visit to France—The Duc de Broglie—Lafayette—The High Bailiff of Birmingham—The Duke of Wellington and Sir Robert Peel—Whig Ministry—Brougham Chancellor—Electioneering at Newark—Dinner to Mr. Hill—Reform Bill—Northamptonshire Election—Painful Illness—Removal to Hampstead—Reform Bill Thrown Out—Alarming State of the Country—Nottingham Riots—Defends the Rioters—Lord Grey's Cabinet Resigns—Returns to Power—Passing of Reform Bill—Dissolution—Mr. Hill's Parliamentary Prospects—Asked to Stand for Hull—His Candidature—Returned at the Head of the Poll.

It is now necessary to return to the year 1824, when Mr. Hill argued his first Parliamentary case. To this, through a series of occurrences fortunate for him, he owed an important start in his early professional life. Before the case was opened Circuit had begun, and his leader, unwilling to remain in town, returned his brief; the second counsel followed his example; a third, retained to replace them, fell ill. Thus was the whole responsibility thrown suddenly upon Mr. Hill, then in his fifth year at the Bar. Further, the case brought into issue a grave and new question of political economy.

The Commissioners of Police of Manchester (the body which governed the town before it was incorporated under the Municipal Act) had, from 1807, lighted the streets with gas. Extending this commodity to private consumers, a large increase in their works became necessary. In 1823, however, doubts were thrown on the legality of thus employing public funds, and the

Commissioners were contemplating an application to Parliament for powers, when a rival appeared in the field. This was a Company, formed to meet the demand which the Commissioners had hitherto supplied, and now the latter body opposed its Bill.

Hitherto the Legislature had declined to authorise public bodies, such as were the Town Commissioners of Manchester, to enter into undertakings of a trading character. Moreover the course they had taken, involving as it did a *monopoly*, sinned against a then received doctrine of political economy. Under circumstances at the time without precedent, their solicitor made what he admitted to Mr. Hill to be an extraordinary request. It was that he might be allowed to look over the notes which the young counsel had prepared for his address —a request with which, under conditions so unusual, the latter thought it right to comply. Having read them, the solicitor declared himself to be perfectly satisfied, and left Mr. Hill to fight the case.

In his argument he relied upon a principle now a commonplace of the Parliamentary Bar, but which he was perhaps the first to enunciate. He boldly controverted the prevalent belief in the expediency of competition in so far as regarded cases like the present, where it would surely become the interest of the competitors to combine against the public. There can be, he contended, no permanent competition save where the number of competitors is practically unlimited; and the attempt to secure this benefit under such conditions as existed at Manchester can only end in establishing, not simply a monopoly, but a costly and mischievous monopoly. The best course for the protection of a community, he maintained, was that proposed by the Manchester Commissioners; namely, to empower it to serve itself through its representatives.

Fortunately for the Commissioners, the agents of the Company presented a petition to Parliament, the names signed whereto were nearly all forgeries.[1] This fact being proved, their Bill

[1] 'The story of the forgery is droll enough,' Mr. Hill related in after-life, 'and 'came out most dramatically from the lips of the forger, a good-natured Irishman 'in humble life, who, learning that his friend, a clerk to the solicitor for the 'Company, was to have five shillings a hundred for all the signatures he could 'procure to the petition for the Bill, employed a half holiday in forging as many

had to be withdrawn, and the Commissioners preferred one of their own, which Mr. Hill carried successfully through Parliament against a powerful opposition.

The experience of Manchester has verified the line of argument he had taken; and although the principle he laid down continues to be opposed by those who still believe in the universal efficacy of competition, it obtains increasing acceptance.[1]

Mr. Hill's letters to his wife from Sessions and Circuit relate the usual anxieties and successes of a rising barrister, while those to his children show how constantly they were in his mind; but few passages in such a correspondence have interest for other readers.

To Margaret Hill.

'NOTTINGHAM, *July 25th*, 1825.

'I defended an unfortunate wretch this morning for murder. 'The case was clear, except as to the soundness of the man's 'mind. We failed, however, in proving insanity. I never 'defended a murder before, and I have had but little sleep since 'I had my brief, which, however, was only last night. I had to 'conduct a cause immediately afterwards, and I fear my clients 'have suffered from the state of mind in which I was, for we lost 'the verdict.

'*July 26th.*—I fear I wrote you but a very incoherent letter 'yesterday. I am all right to-day. . . I have been reading 'Mrs. Hutchinson's *Life* of her husband, the Governor of Not-'tingham during the Civil Wars. I will try to get it for you.

'as his recollection furnished; and when that failed him, he replenished his 'stock from the gravestones of a neighbouring churchyard. His *bonhomie*, his 'unconsciousness of offence, and his enjoyment of the fun his evidence created, 'saved him from the consequences of his breach of privilege, and thus deprived 'him of an insight into the mysteries of Newgate.'

[1] The bold measure adopted, in 1875, by the Corporation of Birmingham, of obtaining statutory powers to buy up the Gas and Water Companies of that Borough, has set an example which the Metropolis and other large towns appear likely to follow. The Registrar-General, in his *Report* for 1876, touches incidentally on the disadvantage London labours under from the virtual monopoly possessed by its Gas and Water Companies; and points out that by an enterprising and intelligent municipal organisation the Metropolis might be better supplied at much lower cost, leaving a large balance for educational and other purposes.

'She seems to have good notions on the subject of the rights of 'the sexes, though they are such as would not recommend her 'much to Thompson.[1] She inveighs bitterly against men who 'suffer themselves to be governed by, or who know not how to 'govern, their wives; and (being a woman of great learning) 'thinks that no State ever prospered in which women were 'allowed to intermeddle with public business. So you see I do 'not recommend you the book without a motive.

'Farewell, my dearest wife,

'M. D. HILL.'

The next letter refers to a meeting to aid a Mechanics' Institute at Derby.

To Rowland Hill.

'DERBY, *Aug. 23rd*, 1825.

'. . . Mr. Higginson [minister of the Unitarian congre- 'gation] opened with a lecture or sermon on the propriety of 'Mechanics' Institutes. They have one hundred and sixty sub- 'scribing mechanics, and about fifty honorary members, and 'have some handsome donations. They start with a library 'of eight hundred volumes. The Duke of Devonshire gave '50*l.* They are to hold their meetings in the Lancasterian 'School; the one last night was there. By the way a Lancas- 'terian School makes an excellent lecture room. Could you 'do anything in that way at Birmingham? I think, well- 'managed, it would relieve the Lancasterian burden very much. 'The mechanics might pay for the use of it, and have it every 'evening, either as a lecture or reading-room. It would be a 'great blessing for a poor boy to sit and read in a well-lighted, 'warmed, and ventilated apartment. 'M. D. HILL.'

During the autumn vacation he visited the Le Chevaliers, at Boulogne, and writes to his wife:—'If I had but you and the 'little ones I should be inclined to stay till the last moment.

[1] Author of *An Appeal of one half the Human Race—Women, against the Pretensions of the other half—Men.* 1825. Mr. Thompson, who was an Irish gentleman of property, lived for some years with Bentham. He was an ardent supporter of Co-operation in its early days, and devoted himself and his fortune to promote it.

'The air is a perfect balm. If I could live always in the same 'health and spirits as at this moment, I could be well content to 'give up all ambition.'

To the Same.

'MIDLAND CIRCUIT, 1827.

'. . . I have been reading *Vivian Grey*. It must be written 'by Theodore Hook. It is very much like *Sayings and Doings* '—the same disgusting heartlessness, and cant about principle. 'I never read a book which gave me so thoroughly the idea that 'the author was a clever ruffian. . . . I hope your letter will be 'full of anecdotes about the children. I hope this summer to 'spend a good deal of time with Alfred, and if I can, I will teach 'him some geography. He is of an age when such a study will 'be pleasant, if properly managed. For instance, I would point 'out the Cape of Good Hope, and tell him the origin of the 'name, not as a mere dry fact, but give him an epitome of the 'story of Vasco da Gama. Then go to Vaillant, and point 'out Southern Africa as the scene of his exploits. Talk to him 'of the giraffe and the lion, describe the Hottentots and their 'mode of life, &c., so as to make each point the peg to hang 'a story upon. I mention this to you because you may have 'time to carry it into effect, and I may not.

'M. D. HILL.'

In the following letter he playfully alludes to his wife's skill with her needle. The value of such feminine employments as relaxations he admitted, but ridiculed them when dignified with the name of "work."

To the Same.

'I am spending my time rather stupidly here. . . . Except a 'short walk, which the cold wind attacking my chest made 'shorter, I have done nothing but read, read, read, since dinner 'time yesterday. I have read five volumes. What shall I do 'when my eyes fail me! I am concerned to find how depen- 'dent I am on mere reading. I can play at no game, even 'passably. [Later in life whist became a great resource as a

means of driving business from his thoughts at night. Afterwards whist was superseded by billiards, recommended for the exercise it afforded, but in neither did he esteem himself a good player.] 'I cannot draw, nor practise music, nor garden, 'nor agricult, nor play with dogs, or cats, or canary birds. I 'cannot talk much to children, although very fond of them. 'I cannot cut good cloth into shreds for the pleasure of sewing 'it together again; nor knit, nor net, nor knot, nor nut—at least 'at this season, although Mrs. Hannah More punishes a girl in 'one of her stories for going a-nutting the Sunday before 'Easter. But enough of myself. . . . I fear the case of —— 'will prove a bad one. He seems to have been in difficulties 'for years; and a man in money difficulties with the money of 'others in his hands, must be an angel of light not to go 'wrong.

'I am glad you like my speech, but it is vilely reported. I 'am, however, grown quite callous to such things. The first 'time I saw nonsense put into my mouth in a newspaper, I 'well recollect the perspiration bursting forth upon my fore-'head. I almost thought I heard all England laughing at me. 'But I have since found that all England has something else 'to do. 'M. D. HILL.'

Mr. and Mrs. Hill had moved into London. It was a great wrench to leave their cottage at Chelsea, but their family had outgrown it, and its distance from town did not suit Mr. Hill's increasing practice. In those days, and for many years afterwards, consultations were habitually held late in the evening at chambers. It was the opinion of Serjeant Wilde, who then resided in Guilford Street, that no practising barrister should live more than a mile from the Inns of Court, and the great majority of the profession observed this rule.

To combine chambers and home under one roof had economy to recommend it, and a house was taken (No. 44) in Chancery Lane. At that period the street contained several private residences; Mr. Hill's old friend, John Steer, lived at No. 15, and a few doors on the other side of No. 44, was Mr. Swanston, the late Queen's Counsel, who having converted

three houses into one to obtain space for his library, continued to live in Chancery Lane until 1861.

Ostentatious receptions or, indeed, mere show of any kind were never to Mr. or Mrs. Hill's taste, nor did their means for many years to come permit of much expense in hospitality; but their removal into London brought them within reach of friends who were satisfied with the simple entertainment they could offer, combined with the agreeable society which met at their house. Although *Knight's Quarterly Magazine* had ceased, the intimacy which had sprung up among its contributors continued. Of these De Quincey, Macaulay, and Barry St. Leger, used occasionally to meet at Mr. Hill's breakfast table on Sunday mornings; Hyde Villiers, Maule, and Charles Austin were probably among the guests.

In the autumn of 1827, Mr. Hill, accompanied by his wife, was in Paris visiting the Le Chevaliers, who then occupied an "hotel," or town mansion, which they had built in the Champs Elysées, where houses were beginning to spring up. In a letter which contains interesting sketches of some of the leading members of the French Bar, published in the *Sphynx* for October 1827, Mr. Hill, describing the state of political feeling in France, says:—'The French despise their Government rather than hate 'it. The King and his Ministers resemble a poor old village 'governess, who is cursed with the tutelage of half-a-dozen lads, 'above her in intellect and superior in strength, whom she at- 'tempts to frighten with the exploded terrors of Raw-head-and- 'bloody-bones, or threatens with punishments which she cannot 'execute, and which would be ludicrously inefficient if she could.'

He goes on to speak of the exhibition of the products of French industry and invention, then open at the Louvre. 'The interest 'which it appears to excite is beyond all bounds, and pervades 'all ranks. We had scarcely got out of Calais before *M. le* '*Conducteur* of the Diligence, congratulated me on going to Paris 'during the period of the *Exposition*. I went one Sunday 'morning. You first go through a square of temporary galleries 'erected in one of the quadrangles of the Louvre, and then ascend 'a staircase of the palace, where you find room after room 'crowded, like the galleries below, with manufactures of every

'species, from ladies' false hair (made of silk) to mathematical 'instruments of the most costly workmanship. These articles 'are brought from all parts of France, the exhibitors having 'previously submitted them to juries (how chosen I do not 'know) who decide on their admissibility. Some seem to be 'chosen from their novelty, others from their improved quality, 'and others, again, from their diminished prices. The whole 'collection forms a great bazaar. The articles are for sale, but 'cannot be removed till the close of the exhibition. The 'exhibitor sends persons to answer questions, and I found them 'very ready to furnish information respecting their modes of 'manufacture.

'I do not see why this exhibition should not be adopted in 'England; the advantages are obvious. It brings men of merit 'quickly under the public eye, enabling them to establish a 'character for excellence in their several departments, without 'that dreadful expense of time and capital which is requisite with 'us. . . . On the Sunday morning I was present, although it had 'been opened some time, the crowd was immense. It will no 'doubt shock English ears to find people examining an electrical 'machine instead of going to church; but it need not be *instead*— 'because the exhibition need not be open at church hours. 'Besides, you do not draw a man to church by depriving him of 'amusements. Indeed you have not the alternative in your 'power. The law, public opinion, and the Vice Society united, 'have never been able to shut up the doors of the ale-house 'on Sundays; and thus, while rational pursuits are prohibited, 'the worst of all possible occupations not only exists, but is 'actually fostered by the monopoly which it enjoys.

'Sunday ought to be turned to better account than it is in 'England. It would be an object worthy of the most strenuous 'efforts of philanthropy to rescue this day of leisure from the 'restraints which superstition has affixed to its enjoyment— 'restraints, I will venture to say, not sanctioned by any precept 'of religion; but, on the contrary, in opposition to the whole 'tenor of the New Testament. It is worthy of remark that 'Jesus Christ never mentions the Sabbath but to reprobate the 'severity with which it was observed.

'The *Exposition* is the popular topic at the theatres, most 'of which have some little piece or other founded upon it. I 'went to see *John Bull au Louvre*. John is a portly, beef-'eating, brusque personage, who grumbles at French cookery, 'laughs to scorn the idea of French manufactures, and speaks 'his mind on all occasions. The pendant to this agreeable 'picture is an Italian, who cringes and flatters, bows to all the 'world, and gets kicked for his pains; while the hero of the 'piece pronounces the English to be a people who do not like 'the French, but who are *just*, and will admit the superiority of 'French manufactures—when it is proved. This, of course, 'is done beyond all possibility of doubt; and John, in a great 'rage, confesses that the French have beaten us in the manufac-'ture of arms, and offers the victorious gun-maker twenty 'thousand guineas to settle in England. This gun-maker is the 'hero. A few years ago such a desecration would not have been 'endured. I am not quite sure it would do on our stage, 'although we *are* a nation of shopkeepers. He boasts that he 'has *worked* ten years for the glory of his country. He is 'rewarded with a *cordon* of the legion of honour for his im-'provements in arms, and finally marries a niece of John Bull, 'who is full of beauty and accomplishments, having been 'educated in France; and, in short, he is as fine a fellow as if 'he had followed Napoleon through half a dozen campaigns—'and he is quite as vain of his employment.

'All this is foolish enough, but it shows a great improvement 'in public feeling, even among the vulgar, for whom this piece 'was written, and by whom it was loudly applauded. The 'critics were severe on the author for caricaturing the English—'and that is good again. In truth, the two nations had an 'immense iceberg of prejudices, the produce of a long war, to 'melt down. It now begins to thaw rapidly, thank God! The 'true interests of all nations are against war; and if we can 'only keep our feelings and tempers right, it will be impossible 'for Kings to set us by the ears for their own profit and 'amusement.'

In the Eastern bazaars and the great fairs of the middle ages may be found the prototype of the Industrial Exhibitions

of modern times. France, availing herself of the facilities afforded by the removal, after the great Revolution, of many fiscal restrictions, seems to have been the first to benefit by the example, though apparently limiting the articles exhibited to her own productions; and Mr. Hill's description of the *Exposition* of 1827, shows how varied and important were the advantages he foresaw in thus gathering together, for examination and comparison, the natural and manufactured riches of the land. England, several years subsequent to the date of his letter, copied to some extent the exhibitions of her neighbour; but in this country they were at first local in character, and displayed chiefly the manufactured goods of the Northern and Midland counties. Notably, Birmingham had in 1849, its well-arranged Exhibition open for several weeks, covering the period of the visit paid to the town that year by the British Association for the Advancement of Science. In 1850 the Royal Dublin Society opened its triennial Exhibition—hitherto limited to Irish manufactures—to the products of all nations.[1] But it remained for the Prince Consort to project an Exhibition which should reproduce on a scale worthy of the British Empire, the *international* character of mediæval gatherings, and combine with it the marvellous variety and development belonging to the nineteenth century. Mr. Hill watched with deep sympathy the progress of that noble enterprise. He was present at the opening of the "Palace of Industry," as the Exhibition building of 1851 was appropriately called. Avoiding the vast concourse who crowded the floor of the edifice, he surveyed from a gallery the wondrous realisation of a project far exceeding his imagination, when, nearly a quarter of a century before, he suggested the adoption by England of the idea which the French had turned to such excellent account.

To return to his Circuit correspondence. He writes to his wife (1829)—'I am reading Mill's *History of British India* as a preliminary study for my great task.[2] Not that I am at all sanguine about it. Yet I think there is enough of probability to justify the labour of preparation, at least to so small an extent

[1] *Memoir of James Haughton*: Longmans, 1877.

[2] Probably an attack on the monopoly of the East India Company.

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'as the reading of such an excellent work—so full of well-'sifted and important facts, and of the soundest political 'remarks. It is very deficient as a story, or as a complete and 'vivid picture of manners.

'*Aug. 19th.*—Amos is beating me hollow this time. The *éclat* 'of the professorship [at London University] seems to have done 'him good service. Whether he will be able to hold his ground, I 'don't know. You have no idea of the state of feverish excite-'ment everybody seems to be in. It is a terrific sort of gambling 'which you cannot escape from, and which, when you find you 'are losing, becomes painful beyond description.

'When I first had my hopes and fears respecting my Sessions, 'I used to suffer most intensely. I used to sit on the Monday 'night listening to the church clock striking its quarters, and 'feeling my hopes of business wane with every stroke of the 'bell. I am now much in the same state with respect to the 'Circuit, especially here, that I then was as to Sessions; and 'happy shall I be if it should terminate in the same way. I 'could have told you many a tale of pain almost amounting 'to agony, if I had not been, as I am now, firmly of opinion 'that unnecessary complaint, by which, I mean complaint not 'directed to the object of removing the evil, weakens the power 'of endurance; while it only increases the misery, by fixing the 'attention upon it, and preventing its being dissipated by other 'courses of ideas.

'——'s letter is a treasure. It brought tears into my eyes. 'I quite enter into her feelings about being commanded; and I 'rather rejoice in them than otherwise. A command ought to 'be a punishment, and never resorted to but when a request 'or recommendation fails. We have always acted on this feeling, 'though, perhaps, we have not hitherto reduced it to words, 'and the child felt that the order had been given wantonly. 'None of my offspring will have the submissiveness of Quakers 'I hope; and I am not afraid of resistance founded on good 'principles.'

Early in the year Newark, hitherto a close borough of the Duke of Newcastle's, had been contested by Serjeant Wilde.

He failed; but the large number of freemen who voted for him although tenants of the Duke, and in the teeth of intimidation openly employed, promised future success. To carry this stronghold of Toryism was of great importance to the Whig interest. It became a recognised battle-field between the two great parties in the State, during Wilde's repeated candidatures. On these occasions Mr. Hill accompanied his friend in the capacity of counsel. This was the beginning of a considerable practice in election cases, in which Mr. Hill's professional exertions were doubtless stimulated by his political sympathies.

The Serjeant's supporters soon felt their landlord's displeasure in the form of eviction, enforced under circumstances of peculiar hardship. The aggrieved townspeople convened a meeting for the 5th October, which was looked upon as so important that the *Times* sent down reporters for the occasion. The Duke was invited to attend. It was in his answer declining the invitation that he used words which flew over the country like lightning; and, regarded as an epitome of high Tory sentiments, materially assisted the reform party, by the spirit of resistance to tyranny they evoked. 'You meet,' he said, 'to deliberate upon an interference between my tenants 'and me. *Is it presumed, then, that I am not to do what I 'will with my own?*'

At the general election of July, 1830, consequent on the death of George IV., Serjeant Wilde and Mr. Hill were again at Newark. But the Tories held their ground. 'We are beaten,' Mr. Hill writes to his wife, 'after a hard struggle. Wilde 'bears his misfortune with the most perfect composure I ever 'witnessed. I doubt whether the people of the town will so bear 'theirs. I have no doubt many and bitter tears will be shed. 'They looked to our victory to shield them from oppression.'

Brougham, who entered Parliament in 1810 as member for Camelford, and subsequently sat for Winchelsea, both boroughs of the Earl of Darlington, was early in August of this year returned for Yorkshire. Writing to him of what Brougham regarded as the most gratifying event of his life, Mr. Hill says:— 'Thank God you are no longer member for a close borough! 'Thank God too,' he exclaims, 'for all things in France—provided

'always the Bourbons have embarked . . I shall be near 'London probably all the summer, and hope to be useful in the '[Diffusion of Useful Knowledge] Society matters.'

To the Same.

'44, CHANCERY LANE, *Aug. 25th*, 1830.

'After much reflection on the subject, I am convinced that 'the Society ought to publish a work embodying the narrative of 'this glorious revolution in France. But in order to avoid a 'political complexion, and at the same time to increase the in- 'terest, let the work be called "Paris," and let it contain accounts 'of past transactions, as well as present. *Ex. gr.:* Take the 'Tuileries—a very short history of its foundation, its connec- 'tion with the wars of the League, and the Fronde—Charles IX. 'sitting at a window and firing on his Protestant subjects, at the 'massacre of St. Bartholomew. Then a few passages during the 'reigns of Louis XIV., the Regent, and Louis XV. Then the 'murderous conflicts of 1792. Its history under Buonaparte, 'and finally, the splendid attack during the "great week."

'I have determined to go with Knight (who suggested this 'form for the work) to Paris *quam primùm*, say Sunday night, 'and if the course of post will not give me an answer, pray send 'me some lines, especially one to the Duc de Broglie, to meet me 'in Paris.[1] We mean to put a good deal of strength on it '[the proposed book], and have a "Part" out in somewhat less 'than no time at all. I don't ask your opinion, for I know you 'will agree with us.

'M. D. HILL.'

The materials were obtained and placed in the hands of Mr. Craik who produced the work, which was published under the title of "Paris and its Historical Scenes," forming two volumes of the *Library of Entertaining Knowledge.*

[1] In *Passages of a Working Life*, Mr. Knight describes this visit to France in lively detail.

To Margaret Hill.

'HÔTEL WINDSOR, PARIS, *Sept.* 3*rd*, 1830.

'. . . Last night we dined at a *café* in the Palais Royal, 'which is wonderfully improved since you were there—the '*Galerie de Bois* is pulled down, and a handsome one of stone put 'into its place. There was a party of the National Guard in 'uniform at another table. I rose and proposed the health of the 'National Guard of the City of Paris. The toast was well-re-'ceived, and they returned it by drinking the "Liberal English." 'It is glorious to see the armed citizens—the people—holding 'the sword. Forty thousand were reviewed last Sunday in the 'Champ de Mars. Soon there will be eighty thousand in Paris, 'and one hundred thousand in France. At every town we came 'to we saw the tricolored flag hanging, not only from the public 'buildings, but from the windows of private houses. The unani-'mity, as far as we could judge, is astonishing.

'Bowring brings this [letter]. He sets out to-day. He had 'yesterday a private audience of the King, of whom he speaks 'well, as indeed does everybody else whom we have yet seen. . . 'On Tuesday I shall go to an evening party at Lafayette's, where 'I am told I shall see everybody. 'M. D. HILL.'

He tells his brother Rowland—'We hear every hour some new 'trait of courage, generosity, and strict honesty, on the part of 'what the journalists call *la sublime population de Paris.* I 'have just paid my first visit to Lafayette to deliver my letter of in-'troduction. He received me with great kindness, and expressed 'much gratitude, &c. to the English people for their sympathy.'

To his wife he writes:—'My dinner at the Duc de Broglie's 'was *en famille*, and in a very plain way. They are very good-'tempered people, and the Duchess gave me a general invita-'tion to her *soirées.* Tell the dear children I shall have plenty 'of stories to tell them when I get home.

'*Sept.* 14*th.*— . . . We dined with M. Souligné[1] yesterday;

[1] Several years previously, under the Bourbon *régime*, M. Souligné had been tried for high treason, but even a packed jury failed to find a verdict of guilty. His political opinions had, however, exiled him from his country, and during a sojourn in England he had taken a lively interest in Hazelwood School.

'to-day with Jullien. To-morrow I shall see Benjamin Con-'stant. I have been to one of the Duchess de Broglie's *soirées,* 'but have not again seen the Duke. I shall go for the last time 'to Lafayette's this evening, and see him probably for the last 'time in my life.'

The letter next quoted, is written in Warwickshire. On the 21st of September he tells his wife:—'I meant to return to-'morrow morning, but at the earnest request of the High Bailiff 'I have "kindly consented" to stay and dine with the Duke 'of Wellington! So you will not see me till Friday night.'[1] 'I 'was too busy to answer your letter yesterday,' he wrote on the 24th. 'I was boating up the canal with Wellington and Peel— 'which was just the thing after Lafayette!'

'The Duke,' he related afterwards, 'took great interest in 'Telford's engineering, and appeared much struck with the 'skew-bridges—then novelties. Sir Robert was taciturn, but 'appeared observant. Every bridge under which we passed 'was crowded with spectators, who greeted us with hisses, 'shrieks, and yells, the Ministers being at that time ex-'tremely unpopular from their opposition to reform in Parlia-'ment—a topic touched upon at the dinner by the Chairman 'very significantly, but in perfect good taste. In proposing the 'health of the county members, he said—"Though we are very '"much obliged to them for their services to the town of Bir-'"mingham, we should like to lessen their toils by giving them, as '"colleagues, members of our own." As may be supposed, all 'this was received by the two Ministers with unmoved coun-'tenances, but the sensation produced by these few words was 'like an electric shock.'

On the 16th of November the Duke of Wellington's Cabinet fell; Lord Grey became Prime Minister, and Brougham accepted the Great Seal. Upon this occasion Mr. Hill wrote to him:— 'Johnson says we do not do anything for the last time with-'out regret. I am sure I do not address you for the last time

[1] The Duke of Wellington, then Prime Minister, was the guest of the Home Secretary, Sir Robert Peel, at Drayton Manor, on their way southwards from that visit to Liverpool at which the melancholy death of Mr. Huskisson occurred; and the new High Bailiff of Birmingham had availed himself of their proximity to invite them to be present at his official dinner on the 23rd of September.

'by a name which you have made so justly celebrated through-
'out the civilised world, without pain. However, I most sincerely
'wish you happiness, which, as I profess to know something of
'your mind, is in other words wishing that you may find your
'new situation as favourable to real usefulness as you have made
'your former one.' Particulars of Brougham's absolute refusal of the Great Seal, and subsequent most unwilling acceptance of it, were related by Lord Althorp to Mr. Hill a few months later.[1]

In March a vacancy having again occurred in the representation of Newark, the independent party invited Mr. Serjeant Wilde; but he declined to stand. He was, however, put in nomination; and an arduous contest, though not successful, showed clearly that Newark was no longer a close borough. Mr. Hill had been asked to attend on behalf of the Serjeant's supporters. At a public dinner, with which his services were acknowledged, he defended, in an eloquent speech, the liberties of the people; reminded his hearers that a few nights before it had been said in the House of Commons, that the monstrous proceedings at Newark were one of the principal causes of the present cry for Reform in Parliament; urged them to cling to that cause by the memory of what they had endured for its sake; and foretold its final success.[2]

Writing to his wife from Circuit a few days afterwards, he says:—'I am very glad you and my friends like my speech
'[at Newark]. As you say, if every one prefers a different
'passage, it is likely that all will go down in time.'

The loss of the Reform Bill in April compelled a Dissolution. Borough after borough returned a Whig candidate, where previously the Tories had held undisputed sway. Many of Mr. Hill's friends thought the time had arrived for him to enter Parliament. For this he was yet hardly prepared, but he was in the thick of the fray for others. First at Newark, where—
'it is impossible,' says the *Times*, 'to describe the enthusiasm.
'No sacrifice appears too great for independence. The cause of
'Reform is now triumphant in the person of Mr. Serjeant Wilde.'

[1] See Appendix II.

[2] *Speech of M. D. Hill, Esq.* London: Effingham Wilson. 1831.

Notwithstanding the strength of the Conservative interest, Lord Althorp had sat in the House of Commons for Northamptonshire since 1806. Beloved by all parties, he was regarded as the fitting representative of all. Even on the present occasion it was not until a second Liberal candidate (Lord Milton) was unexpectedly nominated, that the two parties divided, and ranged themselves under their respective leaders, Sir Charles Knightley coming forward as the second Tory candidate.

Mr. Hill had scarcely returned to town from Newark, when he received a note from the Chancellor urging him to lose not a moment in starting for Northampton, as Lord Althorp's Counsel. The struggle for Northamptonshire was one of the severest the country witnessed. Although Lords Althorp and Milton were at the head of the poll from the first, their opponents kept it open during the fifteen days then allowed, fighting to the end.

The effect of the tremendous labour of the past three weeks, aggravated probably by a chill received during the night journey to Northampton, (which years afterwards, Mr. Hill could not speak of without shuddering,) showed itself before the month closed in an attack of what at first appeared to be rheumatism. For a time he struggled against it, and even attended Sessions at Warwick, using morphia to subdue his sufferings; but his malady proved to be *Tic douloureux*, and compelled him to relinquish work.

At the end of May he had given up the house in Chancery Lane as a residence, (retaining it, however, as chambers until he quitted the Bar,) and had removed to the Vale of Health, at Hampstead, where Charles Knight was then living. There he had taken what, originally perhaps only a labourer's cottage, had been made by many additions a commodious, though still small house, situated at the summit of a gentle slope to the pool. Its chief attractions lay in the garden rich in flowering shrubs, and in its exquisite views. One was of Lord Mansfield's property, crowned by Highgate Church; another of London, then seen far away across a green sea of undulating meadows, St. Paul's showing distinctly on clear days between the clumps

of trees in the grounds. These had been laid out by Repton with such skill that, tiny as they really were, they had no visible limits. Every trace of their beauty was many years ago obliterated by the erection of a huge tavern, and rows of smaller houses; and it is impossible now even to conceive the loveliness that has been destroyed. The house had been the residence of Sir Samuel Romilly, and it is said that Byron once lived in it. It is more probable that his connection with the Vale lay in his visits to Leigh Hunt, who had occupied a cottage hard by, facing "Jack Straw's Castle," where Shelley also had been a guest, and where Keats was introduced by Charles Cowden Clarke.

The first summer of his occupancy was to Mr. Hill a period of horrible torture from the *Tic douloureux*. 'I never on any 'occasion,' wrote a friend to his brother Rowland, 'was wit-'ness to a stronger feeling of regret and sympathy, than that 'which pervades the Circuit on the subject of his illness. All 'parties are making inquiries; all are anxious for information.' Towards the end of July his sufferings began to abate. As soon as he could bear the journey he was taken to Brighton, where the attacks rapidly diminished in frequency and duration. So great was the relief when he first experienced freedom from his agony, that it seemed to him such immunity in itself constituted perfect happiness; and he used to find himself wondering, amid the throng of pleasure-seekers, what more they could desire than to be out of pain.

The Chancellor, who had found time in the midst of judicial and political labours to go to Hampstead to inquire about his friend, wrote to him at Brighton:—'I assure you we are all, '(I mean your colleagues) happy to hear of your recovery and '*cesser* of pain. All is going on admirably, both public and 'Society, and I hope soon to write to you effectively about 'Useful Knowledge affairs.

'Meanwhile I am busy organizing matters for expediting the 'working of the Reform Bill, as regards the Commission for 'settling Borough and City boundaries. I am also full of 'Chancery work, and I go before the wind. I have now got 'rid of the Chancery arrears!

'The business is brought up (and all causes decided) to last 'Easter Term; and before I rise, 20th, I bring it down to Trinity

'Term, leaving therefore *no arrears at all*. I am glad to say 'that all looks well and bright in Belgium. The French in 'aiding King Leopold, with 40,000 men, act in strict conformity 'to the views of the Conference here; and so shall we, and peace 'will be kept with a strong hand.'

Lord John Russell had brought in a new Reform Bill, on the 24th of June. In September it passed the House of Commons, but on the 8th of October it was thrown out by the Lords, after the debate which suggested Sydney Smith's immortal Mrs. Partington.

To Lord Chancellor Brougham.

'HAZELWOOD, *Oct. 9th*, 1831.

'I have been two days at Birmingham, and have taken 'some pains to ascertain the feelings of the people. The news 'of the division was received with consternation. The bells 'were tolled in the churches, and the people assembled about the 'newspaper offices whispering their fears and their deep dis-'satisfaction. Peace will however be preserved I have no doubt, 'if a speedy prospect can be held out of passing the Bill. But 'unless this can be shown I see but little probability of long 'keeping peace. I have also been through the West of England 'and South Wales, and the result of my observations is that 'nothing but speedy reform can avert revolution.

'A thousand thanks for your speech! It has filled all minds and warmed all hearts.

'M. D. HILL.'

Indignation meetings, conducted in many instances with perfect order, were yet in some places the occasion of serious riots. At Nottingham, the Castle (the property of the Duke of Newcastle) was destroyed; and Colwick Hall, and a large silk mill at Beeston, were set on fire. Twenty-six persons were committed for trial at a Special Assize held in January 1831. A fund, raised chiefly among their fellow-workmen, fell far short of the sum needed for the defence. Mr. Hill was asked to con-

duct their case. His health was still precarious, and the season unfavourable for travelling; but the hope of saving the lives of men, some undoubtedly innocent, and others led astray in their ignorance by violent party feeling, decided him at once to undertake the task laid before him. Mr. Martin and Mr. Bourne aided him as junior Counsel; Mr. Payne of Nottingham was the attorney. 'Had a more numerous bar been present,' wrote the *Times* correspondent, 'the prisoners might have had 'the advantage of selecting from a larger number of Counsel; but 'I doubt whether, even with that advantage, their defence would 'have been more ably conducted than they were by the learned 'gentlemen who, on this occasion, appeared on their behalf.' The Assize opened on Thursday, January 5th, and the trials of the rioters concluded on the 13th; on the 7th (Saturday) the Court did not adjourn till half-past eight at night, having sat twelve hours. The labour of the prisoners' Counsel throughout was intense. The result was the acquittal of seventeen. Upon the nine convicted sentence of death was passed, but in four cases it was commuted. Five were left for execution.

Among the prisoners whose acquittals were obtained, the case of one, named King—innocent as it proved of both the capital charges against him—illustrating the danger of a mistake in identity, has been narrated by Mr. Hill with many interesting details.[1]

Meanwhile Reform was slowly fighting its way in the Legislature. The attitude of the House of Lords roused the country in the spring of 1832, to incessant agitation. Petitions poured in from the towns, and Birmingham saw assembled on New Hall Hill the largest meeting ever known in Great Britain. The refusal of the King to create new Peers compelled the resignation of Lord Grey's Cabinet. The Duke of Wellington was sent for. Under the belief that he would use military force to keep the country quiet, the people began to arm, declaring they were not to be diverted from their purpose by swords and bayonets. A rifle purchased at this time by Mr. Hill, came to be regarded in the family as an historical relic. On Sunday, 13th May, the

[1] "The Duties of Witnesses and Jurymen," *Household Words*, October 26th, 1850.

military commandant for the district which comprehended Birmingham, informed the Commander-in-chief he could not hold the town in case of insurrection. Not an inhabitant would act as special constable; and a similar resolve was held elsewhere. The time for petitioning was past; the people would "fight it out."

On the morning of the 15th of May, Mr. Hill had left his peaceful home, inexpressibly lovely in its wealth of verdure and flowers, not knowing whether civil war might not have burst forth before evening closed. His wife, unable to settle to any occupation, wandered from room to room, dreading what each hour might bring forth, when through an open French-window in rushed Mr. Knight, who, speechless from emotion, seized her hands and danced her round the room before he could find words to tell her that the country was saved—Lord Grey's Ministry had returned to power!

From Frederic Hill.[1]

'BIRMINGHAM, *May 16th*, 1832.

'I hope that the torrent of joy has not wrecked your nervous 'system. Never was there such a change from gloom and 'anxiety to bright prospects and security. Thank God, the 'strain on the patience and self-control of the people is loosened! 'I greatly fear they could not have forborne much longer. The 'ecstasy into which all here are thrown is, I suppose, but the 'counterpart of the state of things with you. Poor Edmonds! 'When I first met him this morning, his eyes were red with 'weeping—the news had quite overpowered him. . . . [Joseph] 'Parkes reached Birmingham with the news, soon after six. He 'aroused —— by a quarter past, who hurried to the churches to 'give orders for clamming the bells, and hoisting flags from the 'steeples. Luckily, the Royal Standard, which had been had 'from Somerset House for the great Meeting yesterday week, 'was still in Birmingham. It has been all day streaming from 'the top of St. Philip's Church—a noble sight! Of course,

[1] The youngest surviving son of Thomas Wright Hill. He was for several years Inspector of Prisons for Scotland, and afterwards Assistant Secretary to the Post Office.

'despatches were instantly sent off to Mr. Attwood. With 'as little delay as possible placards were posted against the 'walls proclaiming the joyful news, and inviting the inhabitants 'to go *en masse* to conduct him into town. . . . The procession, consisting of perhaps from twenty to thirty thousand 'people, marched on to New Hall Hill, where, in a short 'time, we had from fifty to sixty thousand. Resolutions and 'Addresses have been adopted, and Attwood and Scholefield 'go up to London this evening with them. . . . Father is better. 'How can any one be otherwise!

'FREDERIC HILL.'

The third Reform Bill, brought in by Lord John Russell in the preceding December, now rapidly passed through its final stages, and received the Royal assent on the 7th of June.

Although the consequent dissolution of Parliament did not take place until December, preparations for a general election began almost as soon as the measure had passed the Legislature. In July Mr. Hill was once more at Newark, working for Serjeant Wilde, and in high spirits, for of success there was little doubt.

Throughout the spring, summer, and autumn, constituencies old and new were looking about for representatives, and possible representatives were looking about for constituencies. Thomas Attwood believed Mr. Hill would have good prospects of success for a division of Warwickshire. At Tamworth it was wished he should oppose Peel; an influential party at Wolverhampton were ready to support him, had not Mr. Wolrych Whitmore appeared in the field; and liberal politicians at Nottingham put out feelers, believing that his advocacy at the Special Assize of 1831 had created a strong impression in his favour there. Fully engaged in professional business, he seems himself to have had little time or thought to bestow upon these proposals, though to become a member of the first Reformed Parliament was, there is no reason to doubt, an object of his ambition. At the close of a busy summer he was asked by the Reform Association of Hull to stand for that borough.[1] He

[1] Mr. Amos contemplated entering Parliament for Oldham at the same time. Mr. Curzon, one of the wits of the Midland Circuit, celebrated the fact at the

possessed neither friend nor acquaintance there, and the application may have been immediately due to his successful defence, at the recent Lincoln Assizes, of a young physician (Dr. Snaith) whose prosecution was imputed to party feeling, and excited great interest in the county. With Lords Althorp and Milton, and the Attorney-General Denman, besides Mr. Hume and Thomas Attwood, for political sponsors, he accepted the invitation.

In his Address to the electors he expressed his intention to support municipal reform, and to oppose all monopolies.[1] Taxation generally, in his opinion, ought to be lightened; and its pressure, then weighing cruelly on the working classes, more justly diffused. One form of taxation he declared himself resolved to do his utmost to sweep utterly away, in every shape and degree—the Taxes on Knowledge.[2]

Regarding the education of the people as the best safeguard of the public happiness, he mainly desired a seat in Parliament to increase his power in forwarding it; while on the question of slavery he pledged himself to spare no exertion to remove that hideous blot from the national character. Finally, he called upon the electors to subject his opinions and character to searching investigation; and concluded—'If you should elect me, and if I

Circuit Court by an imaginary application to the Court of King's Bench, as follows :—

'My Lords, I now move for a writ of mandamus
To return Hill for Hull, and, for Oldham, old Amos.'

[1] Among the many arduous tasks demanded of the Reformed Parliament, the abolition of monopolies was to be one of the first. How far some, who clamoured for their removal, failed to comprehend what they were asking for, the following anecdote related by Mr. Hill may show. 'When I was counsel in 1831 for Lords 'Althorp and Milton, as we were in the evening sitting in the Committee room, a 'man came in and asked to speak to "Lord Altrop," whom he accosted thus :— '"I want to talk to you about them there beer-shops." We were amazed at a 'man talking to the Chancellor of the Exchequer about "them there beer-shops," 'and were anxious to hear what he had to say. He continued—"My lord, I '"want to know whether them there beer-shops be'ant to be put down?" "Oh, '"no," replied his Lordship, "they will be placed under proper restrictions, but '"there will be no more monopoly." "O! restrictions," replied the man, "that '"is all very well: I keep a beer-shop myself, and they are very good things; but '"then—there ought to be only one in every parish."'

[2] Of these, among the heaviest were the Excise duty on paper, not entirely removed until 1861, and the stamp duties on newspapers. The law forbade the publication of news less than twenty-eight days old in an unstamped newspaper.

'should at any time unhappily lose your confidence, you may 'depend upon my ceasing to sit as your member. I think you 'ought to have, by law, the power at all times of recalling your 'delegated authority; and a decent pride, if no better motive 'should influence me, would prevent my retaining a trust, which 'those who gave it saw reason to withdraw.'

To aid him in his candidature, Mr. Rowland Hill preceded him at Hull, and during the two or three days he spent there produced an impression favourable alike to himself, and to the brother whose opinions he said he had shared from the cradle.

Mr. Hill refused to canvass, but to make his opinions known to all, he repeatedly met parties of the inhabitants in different quarters of the town, patiently answered their questions, and explained his views in great detail—his addresses often constituting masterly expositions of the political and social questions of the day. The meetings were crowded with eager listeners of both sexes. Approving the extension of the suffrage to women, Mr. Hill held that they had the same interest in politics with men, and took care that places should be provided for them at these gatherings.

The time and labour thus expended were great, but a feeling of almost personal attachment was established between the candidate and his supporters, far exceeding the usual bond; and he was further repaid by the assurances which reached him of the advance in political knowledge, attributed by many a hearer to his speeches at Hull. Letters to his wife describe the incidents of his candidature, which being in good health he thoroughly enjoyed. Mr. Knight went down to attend a dinner given to his friend. 'Tell Mrs. Knight her husband is one of 'the best speakers I ever heard,' wrote Mr. Hill—'and strange 'to say, I never heard him speak before. The Unitarian 'minister and the Catholic priest sat together, and each re-'turned thanks for the toast of "Civil and Religious Liberty," 'and each spoke admirably. I had to return thanks (among 'other things) for "Mrs. Hill and the Ladies." I spoke 'rather well of you, better than you will deserve unless you 'write oftener. I asserted the equality of the sexes (going, you 'see, too far in the enthusiasm of the moment). I have hardly

'time to say more than that the town is now become very quiet. 'We were not interrupted at all yesterday, and as I now 'consider my electioneering over for the present, you need be 'under no alarm for my personal safety. . . . Knight goes 'with me to Hornsea on the coast. We return to-morrow for 'a meeting to form an Auxiliary Society for the Diffusion of 'Useful Knowledge—on Saturday to York.'

They went to the Lakes together, spending part of their time with the Chancellor. The visit (described in *Passages of a Working Life*) though not without its charming relaxations, involved much labour on the measures of the coming Session. Mr. Hill's time and thoughts were, besides, employed in correspondence with his Hull Committee. He tells them—'My 'governing principle will be this:—First, look to the happiness 'of the millions, then to that of the thousands, and so on to 'the units. Now, the millions in every country are the poor; 'it is their interest, therefore, whether I look at the subject as 'a Christian, or a politician, which I am bound to protect before 'all others; and this I shall do, whether I am popular among 'them or unpopular, whether they receive me with shouts of 'applause, or with stones and execrations. I will never flatter 'their passions; I will never pander to their errors; I will 'declare the truth to them, without waiting to know whether 'I shall please or anger them by my honesty.' He had already said—'I am not one who declares that the *vox populi* is *vox Dei*. 'I believe the people do very often go astray, and require to be 'set right by honest, faithful, and courageous remonstrance.'

The suffrage he would make commensurate with the intelligence of the people, and would labour, in season and out of season, to increase that intelligence;—'But at present, we 'must be satisfied' he says, 'with a suffrage so extended 'as to embrace all the great interests of society, and which may 'ensure that members will be sent to Parliament who will not 'act in contrariety to interests which they are bound to pro-'tect; nor as the representatives merely of the constituencies 'who sent them there, but of the whole people of England.'

Mr. Hill's committee had pledged themselves to incur none but necessary expenses. But these exceeding their

calculations threatened, although to be partly defrayed by subscription, an inroad upon his slender purse, greater than the claims of his family might justify. Expressing his anxiety to his wife, she answers that the money will be well spent in placing him, independent of Ministers, in the position where he could most effectively use his powers for the benefit of his country. A note was struck in curious contrast to the high-spirited tone of his wife's letter, when in the heat of electioneering speeches, the Tory candidate charged Mr. Hill with holding a sinecure. In 1831 he had been appointed, by Lord Althorp, member of a Commission to assess the compensation due to persons who had lost their offices by the operation of recent Acts of Parliament—the Commissioners being paid by gratuities awarded by the Chancellor of the Exchequer. Mr. Hill refuted the charge by explaining the nature of the post he held. But he told only half his story. He had received for his first year's work a thousand pounds. This sum he regarded as double the amount he had earned; but it was difficult to reduce his compensation without reflecting upon his colleagues. After much perplexity he had laid the case before Lord Althorp. It was the first time, Lord Althorp said, such a difficulty had occurred. Ultimately it was solved by a direction to Mr. Hill to apply half the thousand pounds as his remuneration for the next year. Continuing to follow this arrangement, he diminished his receipts from the Treasury by thirteen hundred pounds, before the Commission came to an end.

For several days previous to the nomination, Mr. Hill again delivered addresses at Hull, but without the usual electioneering accompaniments of open public-houses, bands, and banners. A cry arose from those who did not approve of such purity of election—'You have stopped our privileges! You have 'stopped our colour-money!' Unfortunately they did not content themselves with words. Before Mr. Hill and his friends set out for the Nomination, a noisy crowd had assembled in an adjacent street, known by the extraordinary name of the "Land "of Green Ginger," and the procession had not advanced far along the quay before he was attacked, and even an attempt made to hustle him into the water. One of his defenders was a hair-

dresser who chanced to have his curling-tongs in his pocket. With these he so vigorously belaboured the knuckles of the men who had seized Mr. Hill, that they could not retain their hold, and at length he was rescued from their grasp. But in spite of the efforts of his friends, and also of the rival candidate, he was so roughly handled as to be unable to appear on the hustings.

From Thomas Wright Hill.

'HAZELWOOD, *Dec. 12th*, 1832.

'Attwood and Scholefield are chosen without opposition. 'God speed you at Hull! It is all settled by this hour '(quarter-past three p.m.). We shall find a letter in the post-'office to-night. Rowland's is cheering, but we want palpability.

'It was my task, this morning, to propose Attwood. I was 'listened to by twenty-five thousand people, they tell me. . . . 'Throughout this troublesome business I have found in —— a 'warm-hearted friend. One who had not sons like mine, would 'say that his attachment was like that of a son rather than of a 'mere quondam pupil. . . . If you should be returned how 'glad we shall be! If you should not, it will be our task to 'comfort you, in assuring you that better days will come.

'Our hearty love to Rowland. God bless you both! prays

'Your affectionate father,

'THOMAS WRIGHT HILL.'

The attack on Mr. Hill excited a general feeling of indignation, in which the people of Hull fully shared; and it no doubt helped to place his name at the head of the poll. The second was that of Mr. Hutt, so that Hull had returned two Liberal members. 'The complete success obtained under the severe though 'just restraints which we had voluntarily imposed on ourselves,' said Mr. Hill, in responding to an address from the Liberal Society, 'will be a source of deep and pure gratification to me 'to the end of my days. It will console me under those failures 'which every man must submit to whose ardour for the public 'good far transcends his means of effecting it. In Parliament I 'am placed in competition with men superior to myself in talent

'and information, and possessed of leisure to avail themselves
'of their advantages. The high expectations of my friends (the
'result rather of personal kindness than unbiassed judgment)
'will, as I have often told them, be disappointed. When that
'time arrives, I will beg them to remember that if I have done
'but little in the House of Commons, I was their fellow-soldier
'in the great and victorious battle against corruption in all its
'forms.'

CHAPTER VII.

In Parliament—Legal Reforms—Case of Eliza Fenning—Prisoners' Counsel Bill—Evidence before the Committee of the House of Lords—Presents First Petition for Municipal Reform—Merchant Taylors' Company—Loses Election for Common Serjeant—Class-legislation—Sabbatarianism—"Bull-running"—Bill for the Relief of the Jews—Sir David Salomons—Baron Lionel de Rothschild—Abolition of Slavery—Dwelling-house Robbery Bill—Sheil Affair—Committee of Privileges—Letters from Mr. Hutt and Mr. Grote—Newspaper Stamp Duties—Political Education of the People—Poor-Law Bill—South Australia Bill—The Duke of Cumberland—Last Words in the House of Commons—Dissolution—Loss of Seat—Hull Municipal Elections—Letter to Working Men's Political Instruction Society—Majority of Princess Victoria—Revisits Hull—Death of William IV.—Loss of Hull to the Liberal Party—Declines to re-enter Parliament—Influence on Subsequent Legislation.

To the public spirit which was his by inheritance, Matthew Davenport Hill added experience, wrung from the circumstances of his early life, rarely possessed by the body which hitherto had ruled the State. Born in a dissenting family, he was unable to subscribe University tests, and the bar thus raised to a liberal education made him keenly alive to the obstacles to gaining knowledge, which beset the paths of others. The terrible anxieties imposed on those dearest to him by the famine prices of his boyhood, taught him to repudiate all artificial augmentation of the cost of food. An enthusiastic politician, he had felt the unjust power that a Government, disloyal to the Constitution, could exercise even in England. One of the people—as to the end of life he loved to style himself—he was familiar with their needs and aspirations; but a mental outlook of unusual range enabled him to see beyond the circle to which ignorance or prejudice too often limit their view, to estimate with fairness the claims of different sections of the community, and, while sympathizing

passionately with his humbler brethren, to seek the amelioration of their lot in the extension of education, in the improvement of their material position, and in the spread of political knowledge. To give them legal equality with the rich and the powerful, in fact, as they already had it in theory, was a further means to this end.

Such were Mr. Hill's main qualifications for a parliamentary life. To these were added absolute independence in principle, faith in the ultimate success of right, and a gift for speaking which soon won for him the ear of the House.

The exercise of his profession inevitably impressed a mind like his with the imperfections of the existing law, and the evils arising therefrom; while it also suggested the course amendment should take. The first subject to which he turned his thoughts on becoming a member of the Legislature, was one which his professional duties had brought painfully under his notice. The anomaly of refusing to Counsel in felonies the right to address the jury when permitted in other classes of offences, and the cruelty involved in the prohibition, had for many years engaged the attention of enlightened and humane men; and incited them to efforts, hitherto unhappily fruitless, for its removal. Blackstone had pointed it out as an evil; but the tone of eulogy which pervades his writings on the English law dwelt in the ears of his readers, while his few censures were disregarded. 'His seductive optim-'ism,' says Mr. Hill, 'long survived. It became the creed of 'the student, and none of the young men of my time escaped its 'influence. A firm belief in the surpassing excellence of English 'law connected itself with even a stronger faith in the perfec-'tion of its administration, especially in our criminal courts; 'and, if I may judge of others by myself, as I believe I may, 'nothing so jarred upon the ear of the young lawyer, as a sug-'gestion that the life of an innocent prisoner was not perfectly 'safe under the guardianship of our juries.'[1]

In 1815 the trial of Eliza Fenning overthrew this comfortable faith. Hone published a narrative of the proceedings; and never did Mr. Hill forget the shock he underwent in reading that book. The poor girl's murder—for such it was, although no

[1] *Repression of Crime*, p. 32.

forms of law were violated—was due in no small degree to the inability of her counsel to address the jury; and to the removal of this cause of so terrible a miscarriage of justice, Mr. Hill, on entering Parliament, lost no time in addressing himself.

It was, indeed, in cases of felony only, that the prohibition still existed, a lingering remnant of a barbarous criminal code—lingering, too, only in the Statute-books of England and Ireland. Had Eliza Fenning been tried in Scotland or the British Colonies, in the United States, or in any other country in the civilised world, or, indeed, had she been charged in England with only a misdemeanour, her counsel might have addressed the jury. The caprice of the English law, in this latter respect, would have been absolutely ludicrous, had it not involved consequences so tragic. 'I am charged,' said Mr. Hill, when giving evidence on this subject, 'with holding up my stick at another; he prose-'cutes me for a common assault; my counsel may speak for me 'the whole day; but let that stick have a nail at the end of it, 'and let me be accused of puncturing my opponent with it, and 'my supposed offence becomes a felony; then, my life being at 'stake, my counsel cannot speak.'[1] Formerly, indeed, it was not permitted to counsel for the defence even to cross-examine witnesses in behalf of their clients; and it is well to remember that to Queen Mary, upon whose character a dark shadow rests, is due the abrogation of this cruel rule.

In 1824 Mr. George Lamb had brought before the House of Commons the inability of counsel to address the jury, but his motion was lost. Copley (afterwards Lord Lyndhurst)—subsequently one of the most powerful advocates of this reform—then spoke against it; and by that speech (as, ten years later when still opposed to it he told Mr. Hill), he converted Canning, who previously had favoured the change. In another attempt Mr. Lamb again failed; but in 1833 the measure found a persistent and, as it proved, a successful supporter in Mr. William Ewart. To him Mr. Hill gave important preliminary help; and on the second reading (June 12th), combated the

[1] *Prisoners' Defence Bill.* Minutes of Evidence taken before the Select Committee of the House of Lords, 17th July, 1835. Ordered to be printed 21st June, 1836.

belief that the instances were few in which the innocent were convicted. He assured the House that—'in his own experience '[in criminal trials] he had known instances where the innocent 'had been convicted, sentenced, and executed.'[1] This Bill also was lost, but in the following year Mr. Ewart brought in another, in supporting which Mr. Hill charged the existing system—with having been 'drawn from the worst and most polluted source. It 'is part of the system which was introduced in this country, in 'order that conviction might follow accusation as speedily as 'possible; which denied even the State-criminal all professional 'assistance, in relation either to matters of law, or to matters of 'fact; by which Stafford and Russell were sacrificed, and which 'introduced a system of torture into our judicial examination.'[2] This Bill passed the Lower House, but did not until two years later become law; an intermediate step consisted in the appointment of a Select Committee of the House of Lords to consider it. Mr. Hill's evidence before the Committee reveals, incidentally, his opinion that advocacy on both sides is the best method of arriving at the truth, and therefore the most likely to ensure that justice be done.

The well-known barrister, Mr. Charles Phillips, also examined before this Committee, declared that all theory was in favour of allowing prisoners' counsel to plead, all practice against it. 'My 'experience through life has been,' Mr. Hill elsewhere remarked, in speaking of the measure after it had been many years in operation, 'that if a sound theory be honestly reduced to practice, 'fewer difficulties will arise than the fear of innovation would 'lead us to expect; and that when such difficulties do present 'themselves, surrounding circumstances will suggest the means 'for overcoming or avoiding them.' In 1836 the Bill received the Royal assent, and probably not a single voice has since ever been raised against it.

Mr. Hill presented the first petition to Parliament for Municipal Reform. It came from his constituents, and prayed for the restoration of their electoral rights as burgesses, granted to them by Edward I., but of which they had been robbed by the

[1] *Hansard*, vol. xviii., 3rd series, p. 611.
[2] *Mirror of Parliament*; 1834, p. 2028.

Mayor and Aldermen of Hull, in the reign of Charles II. On the 14th February Lord Althorp moved for a Select Committee to inquire into the state of municipal corporations in England, Wales, and Ireland, which was at once appointed. A few days later Mr. Hill presented and ably supported a petition from Mr. Franks, a member of the Merchant Taylors' Company, setting forth the abuses which had crept into its government, now in the hands of a small self-elected body, and praying that the London trading companies be included in the scope of the Committee's inquiries.

In a warm debate, occupying part of two sittings, Lord Althorp, Mr. Grote, and other members supported Mr. Hill's view. The result was that the City companies were included in the inquiry; and—there is good reason to believe—that Mr. Hill lost his election as Common Serjeant. Several of those with whom the appointment rested were indignant with him for supporting Mr. Franks' petition, and voted for the opposing candidate.

The Committee pursued its investigations during a year and a half. The report it then issued amply testified to the manifold abuses which had, from the reign of Henry VIII. downwards, converted a vast proportion of the municipal bodies in the kingdom, from safeguards of popular liberty into hotbeds of corruption. In June, 1835, Lord John Russell brought in the great measure of that session—a Bill to provide for the regulation of Municipal Corporations in England and Wales, which became law on the 9th of September.

Class-legislation, as might be expected, was invariably opposed by Mr. Hill. On presenting a petition from Hull praying for legislation to enforce the better observance of the Sabbath, he showed the difficulty of framing restrictions which should not affect the poor more than the rich; and protested against interference with the innocent recreation of the lower orders on Sunday.[1] So

[1] When counsel in a trial arising out of an ancient custom at Stamford, he employed the same argument in his defence of eight men charged with—'conspiracy, riot, and assault, committed in the act of "bull-running."'

In the reign of King John, certain meadows adjacent to Stamford, had been granted as common pasture-land in perpetuity, to the butchers of the town, on condition that they should, on every 14th of November, provide the wildest

again, when it was proposed to insert a clause in the Police Offices' Bill for the punishment of persons keeping places for bear-fighting and bull-baiting, he refused his support, unless the House were prepared to put down pigeon-shooting, hunting, and similar pursuits, from which the rich derived amusement.

In 1753 a Bill had passed the Legislature for the naturalisation of the Jews, which was repealed in the following session; and almost eighty years elapsed before any further effort was made to remove the civil disabilities attaching to them by virtue of their religion. In presenting the second petition sent to the Reformed Parliament in their behalf, Mr. Hill gave it his cordial support, and continued—'I think it a disgrace to the country 'that every remnant of the laws against the religious liberty of 'the subject has not long since been swept away. Even yet, 'dissenters are not admitted to the Universities without signing 'certain tests; and although this may be thought a trivial evil 'by those who are not dissenters, I, who have sprung from a 'dissenting family, can assure the House that it is severely felt 'by them.'[1]

A Bill for the Relief of the Jews was brought in on the 1st of May, by Mr. Robert Grant, Mr. Warburton, and Mr.

bull obtainable, to be let loose in the streets, and pursued by the inhabitants for their diversion! The custom appears to have been followed with the zeal and punctuality due to a religious observance. The church bell summoned the townsfolk to the spot where the bull was to be let loose. Until the eighteenth century the magnates of Stamford and even their wives joined in the chase, but gradually the attendance of the higher classes diminished; and at the date of the trial (1837) probably few but the rabble actually engaged in hunting the bull, although the better classes still bore with it as a time-honoured observance.

Mr. Hill insisted that the advance of civilisation must be depended upon for the abolition of brutal customs. He quoted Windham as having declined, on this ground, to legislate against bull-baiting; and laid stress upon the fact of its having disappeared from among the diversions of the people. Referring to the prosecuting party in the case, the Society for the Prevention of Cruelty to Animals, he said—'They have a noble object, but I think 'they will find it well to have patience with customs which have come down 'through so long an interval of time, and not to provoke invidious comparison, 'too apt to be made, by interfering with any sports and amusements of the poor, 'out of a spirit of persecution; for such they will feel it and believe it, while the 'sports of their wealthier neighbours are passed over.' *Stamford Bull-running.* Printed by the Philanthropic Society, St. George's Fields. 1837.

[1] *Mirror of Parliament*, 1833, p. 484.

Macaulay; but intolerance prevailed yet for many a year, and only in 1858 were the Jews placed on a level (and even then with some exceptions), with their fellow-subjects of other creeds. During this long interval, Mr. Hill, in pursuance of his profession frequently took part in the steady war which members of that oppressed nation, eminent for courage and patriotism, and armed with the essential weapon of great wealth, waged against prejudice and injustice. He was counsel for the late Sir David Salomons during those persistent efforts to open a way for his race to all civil appointments, the success of which after many years was marked by his accession to the Civic Chair of London. Mr. Hill was also counsel for Baron Lionel de Rothschild, who, elected to represent the City of London in 1847, was unable for eleven years to take his seat in the House of Commons.

In the debate upon the great achievement of the Session, the abolition of slavery, Mr. Hill of course took part. Eloquently maintaining the capacity of the blacks to enjoy freedom without abusing it, he advocated immediate, instead of gradual, emancipation. The latter provision was embodied in the Government measure, but proved virtually a dead letter. Though in favour of making amends to the planters, should experience show that they were losers by emancipation, he pointed out that a right prior to theirs might, justly, be put forward. 'Let me 'congratulate the House,' he said, 'that the slave does not add 'to our difficulties, by himself demanding compensation; for I 'confess I know not how we should resist his claim, if he said 'to us—"I have been kept in bondage during the best years '"of my life. I have been compelled to labour, not for myself, '"or my children, but for a hard taskmaster, who, with the value '"of my toil in his pocket, comes before you to demand compen-'"sation. If, then, you have money to spare, pay me first."'[1]

The last debate of importance in which he shared during the Session of 1833, was on the Dwelling House Robbery Bill, and it was closed by his speech. After a skirmish with Mr. Cobbett, who had declared that crime and education went on increasing together, and had deprecated the establishment of

[1] *Mirror of Parliament*, 1833, p. 2192.

a country-police, and the patching-up of the Criminal Code,[1] Mr. Hill stated his views on some departments of the difficult subject of criminal discipline. They will however find their place in another chapter.

In October he was at Hull to enlist the co-operation of all classes in the inquiry, shortly to be opened there, by the Municipal Corporation Commission. He also attended a meeting of his supporters, to give them—as he told them he held himself bound to do—'an account of his stewardship.'

He had taken no part in the debates on the Irish Coercion Bill, owing to his absence on Circuit during its passage through the House of Commons. But this did not, in his estimation, relieve him from the duty of declaring to them his opinion of the measure, when reviewing the legislation of the Session. In his maiden speech, delivered on the day Parliament opened, he had conceded that coercion might be a terrible necessity, one only to be granted in company with conciliatory measures calculated to remove the evils under which Ireland was still labouring. He now told his audience that he should, if present, have voted for the principle of the Bill, but should have opposed to the utmost of his power some of the details. Among these he specified the clauses authorizing the establishment of Courts-martial—the question upon which, in 1835, Lord Althorp went out of office. Then, not distinguishing in the excitement of speaking, between what had been the talk of the clubs, and of the lobbies of the House of Commons, and what he had heard in private conversation, he said he had been informed that a member of Parliament [meaning an Irish member], who had opposed the Bill in the House, had intimated to the Government his opinion that it was a necessary measure, and ought to pass.

No sooner were the words uttered than the mistake he had made flashed upon him. He at once took all consequences upon himself, absolutely declining to divulge the name of his informant, who generously offered to avow himself. On the opening of the Session of 1834, the matter was brought before the House of Commons by Mr. O'Connell, when Lord Althorp

[1] A Committee had been proposed by the Under-Secretary for the Home Department, for the revision of the Criminal Code.

gallantly identified himself with Mr. Hill. Mr. Sheil, at whom rumour had pointed, now asked if he were the member accused, and was told by Lord Althorp that he was. Mr. Hill urged an inquiry, and seconded a motion for a Committee.

The Committee was appointed, with Mr. Grote as chairman. Mr. Hill summoned as witnesses several gentlemen by whom he had heard the matter spoken of, otherwise than in confidence; but what was said by the two first on his list, Mr. John Wood and Mr. Macaulay, convinced him that the report he had repeated at Hull, had reached him in a grossly exaggerated form, and could not be sustained. When the Committee re-assembled next day he stopped further proceedings, stated his regret in having contributed to give the charge circulation, and, turning to Mr. Sheil, said that if there were any way consistent with honour, by which he could make him reparation, he should deem no sacrifice too great. Members of the Committee of very different political opinions, among whom was Sir Robert Peel, individually expressed to Mr. Hill their approbation of his conduct; and Mr. Sheil followed him from the room to thank him for the manner in which he had acted. This was on the 14th February. Mr. Grote brought up the Report the same day. After recapitulating the points for inquiry, it stated that the testimony of the witnesses who had appeared did not impeach Mr. Sheil's character and honour, in any way; and the Committee declared their deliberate conviction that his innocence in respect of the whole matter of complaint referred to their investigation, was entire and unquestionable. They conclude:—'Your Committee feel bound at 'the same time to express their full confidence in Mr. Hill's 'declaration, that the statement impeaching Mr. Sheil's character 'was made by him at Hull under a sincere though mistaken, 'persuasion of its accuracy. They derive this confidence as well 'from the tone of generous regret which characterised his com-'munication at the close of their proceeding, as from the candid 'admissions, and the evident anxiety to avoid all exaggeration 'and mis-statement, which they have observed throughout his 'testimony, as delivered in their presence.'[1]

[1] *Mirror of Parliament*, 1834, p. 170.

From Mr. Hutt, M.P.

'54, CONDUIT STREET.

'MY DEAR HILL,

'I have just seen O'Connell, and I think it right to 'repeat to you some expressions which he used relative to this 'troublesome matter which the Committee of Privileges has 'just disposed of, and to yourself. He said to me—"Your col- '"league has come well out of this inquiry; I really thought that '"he had fabricated the charge against the Irish members, but '"I see now that he really had heard, and that he believed, what '"he stated." I expressed my satisfaction that he saw the affair 'in its proper light, upon which he added—"Yes, and I assure '"you that he acted upstairs with so much candour and honour- '"able feeling, he showed so much anxiety to repair any injury '"that might have been sustained, that I shall always think '"highly of him hereafter." I don't know in what degree the 'avowal of these opinions may be acceptable to you, but I told 'O'Connell that I should relate what he had said, and he seemed 'desirous that I should do so. To the best of my recollection 'I have repeated the terms he made use of.

'Believe me,

'Yours very truly,

'WILLIAM HUTT.'

From Mr. Grote, M.P.

'THREADNEEDLE STREET, *Feb. 15th*, 1834.

'MY DEAR SIR,

'I have been for the last few days forced to assume the 'uncomfortable position of your judge: it is much more agree- 'able to me to address you again as your friend, which I am 'very glad that the close of the inquiry now enables me to do. 'I felt the strongest sympathy for the very distressing posture 'in which you stood yesterday morning, and if I had thought 'myself at liberty to give utterance to my individual feelings, I 'should have spoken much more, and much more warmly, than I 'was permitted to do as Chairman. Be assured that by your 'ample and unreserved avowal, as made yesterday morning,

'you have taken the best step, and the only step, which an honourable man so placed could be advised to take. It was 'the most satisfactory proof that you had spoken in perfect 'good faith: a thing which I never doubted, but which those 'who knew you less might have been less assured of than 'I was.

'I make no farther comments on this painful transaction, 'which you have taken the most effectual means to seal up for 'ever. As soon as the uncomfortable emotions connected with 'it are softened down, I shall hope to see you again, as before, 'in the House of Commons and elsewhere, to co-operate in those 'objects of public good which I believe you have at heart as 'well as myself.

'I remain, my dear Sir,

'Yours very sincerely,

'GEO. GROTE.

'M. D. Hill, Esq., M.P.'[1]

The Session of 1834 was well advanced before Mr. Edward Lytton Bulwer found an opportunity of bringing forward his long-projected motion for the Repeal of the Stamp Duties on newspapers. In an exhaustive speech Mr. Hill met the objections of Lord Althorp to the Bill. One branch of his argument he supported by statistics, illustrating the large sale of newspapers in communities differing greatly from each other, except in their freedom from stamp duties. He showed that in the United States of America the consumption of newspapers in proportion to population was as eight to one when compared with that of England; while in Guernsey and Jersey fifteen newspapers were supported by a population of about sixty thousand, that being precisely the number of persons who in England were needed to maintain one.

But the moral side of the question far exceeds the fiscal in importance. One effect of a high duty is the production of a contraband article; and he dwelt on the evil

[1] The Sheil affair here related had no permanent interest, and would not have been noticed in this Memoir had not an inaccurate narrative of the circumstances, as they concern Mr. Hill, appeared in a recent biography.

effect of legislation which is sure to be evaded, adducing the Game-laws in illustration. 'That the public welfare,' he continued, 'is advanced by popular education, is, thank 'God, a truth now universally admitted. The House would 'not endure to hear it argued; but is there any secular 'knowledge to be put into competition with right views on 'politics? That the people at large are not mathematicians may 'be a misfortune, but it is one that can be borne; it does not 'endanger the stability of society; but in a popular Government 'who will answer for the consequences of popular ignorance 'respecting great political truths? . . . Sir, I am of opinion 'that we might turn to excellent account the present disposition 'of the people for politics. It is a subject on which they are 'anxious to obtain education, and willing to pay for it to the 'full extent of their means. . . . Those who seek and pay for 'information, will value it, keep fast hold of it, and turn it to 'good account. . . . I know it is the fashion to rate newspaper 'literature very low; but I know, at the same time, that we are 'all much more indebted to it than we are willing to acknow-'ledge. What a small fraction of the community must it be 'which has drawn its opinions from Locke, or Paley, or Burke, 'or Bentham, or any of the great political writers of this or of 'other countries; nay, how few are there even among ourselves, 'who can boast of having made politics a severe and systematic 'study?'[1]

Mr. Bulwer's motion was lost, but in June, 1835, the Newspaper Stamp Duty was reduced to one penny. In 1855 it was entirely abolished.

In the debates on the Poor Law Bill, the great measure of 1834, Mr. Hill took small part, but he had aided in its preparation out of the House. A poor-law administered solely by official hands is inevitably deadening in its influence on the better feelings of those it aims at relieving. Such an effect was never contemplated by the framers of the new Act. They designed it to supply a skeleton, as it were, to which voluntary co-operation should add the soft and rounded form, the two combined constituting a living body of national charity.

[1] *Mirror of Parliament*, 1834; pp. 1838-9.

In 1832, or earlier, Mr. Edward Gibbon Wakefield formed an Association for colonizing, on a new method, the then unoccupied territory which now constitutes the southern portion of South Australia. His theory was that the wild lands of a settlement should be sold by the Government at a much higher price than had been usually fixed upon them, with a view of employing the proceeds in bringing out labourers to aid in their cultivation. In 1834 this Association applied to Parliament for power to carry their scheme into effect. It embodied three features new in colonization. The settlement was to cost the mother country nothing; there was to be no State Church; and no convicts were ever to be transported thither. Further, it was to become, under fixed conditions, a self-governing community. The scheme favoured family emigration, and also secured an equality, in number, of the sexes.

Little interest was felt in Parliament for the project. It needed that some member of the House should devote himself to the drudgery of making it known, and rendering its provisions acceptable. Mr. Hill, whose brother Rowland was secretary to the Association, undertook this task. It proved a laborious one. Besides direct communication with members of the Legislature, public meetings had to be organised, and the attendance of men of influence obtained.

It was not until the 5th of August that the South Australia Bill was got through the Lower House. Much opposition awaited it in the Lords. The Duke of Wellington was known to be adverse, which implied that the Duke of Cumberland would be so too. When the Marquis of Salisbury and Lord Wynford evinced similar opinions, the Bill was almost regarded as lost. Deputations were rapidly got up to these peers. Mr. Hill attended one to the Duke of Cumberland. His Royal Highness received it at his residence in the Stable-yard, in morning *déshabille*, which included a decidedly dirty shirt. His manner was very courteous, but his remarks were, *more suo*, plentifully garnished with oaths. Learning that the Duke of Wellington had withdrawn his opposition, he intimated that he should do the same, complaining however that the House of Commons should, at the end of the Session, send up to

the Lords batches of Bills of which they understood nothing. Lord Wynford's objection was to erecting so vast a tract of land into one colony, instead of into several. He withdrew it upon the assurance that the Bill should be so amended as to empower the Sovereign to form one or more colonies, as might hereafter seem best.[1]

On the 14th of August the Bill was returned to the Lower House; and, as it proved, the few words in which the Member for Hull moved the adoption of the Lords' amendments, were the last spoken by him in the House of Commons.

A dissolution necessarily followed Sir Robert Peel's unexpected accession to office in November. In preparation for the approaching elections, a fierce national struggle had already begun between the Tories, who had promised on coming into power to carry on the reform of abuses, and the Liberals, who distrusted a promise which left what were abuses an open question. The vital measure of Municipal Reform was yet in suspense, and upon this many of the elections were to turn. The corrupt corporations, anxious to avert threatened destruction, strained every nerve to return Conservative members. Hull was amongst the most corrupt, and Mr. Hill's course of action in regard to corporate reform was sure to influence a certain class of voters. Rumours were spread abroad that he would not stand; but both he and Mr. Hutt offered themselves for re-election, Mr. Carruthers again contesting the borough in the Conservative interest.

'We had a famous day yesterday,' Mr. Hill wrote to his wife—'I spoke for nearly three hours. The show of hands was 'glorious. Still I am far from secure. The Tories are mad 'against me, and care much less about their own candidate than 'about throwing me out.' The next day he tells her—'We 'are so much behind that I consider the election lost. Bribery 'and intimidation are rife. I am consoling myself with the 'reflection of less laborious days, and nights of sleep instead of 'watching.'

[1] South Australia, instead of being diminished by subsequent sub-division of this 'vast tract of land,' has, on the contrary, been more than doubled in extent by the accession, in 1863, of the Northern Territory.

Mr. Hill was unseated, Mr. Carruthers coming in at the head of the poll; and Mr. Hutt second. Bitterly was their loss felt by the Liberal party. As the unsuccessful candidate made his farewell address, there were signs of deep emotion; and Mr. Hutt refused under the circumstances to be chaired.[1]

The first municipal election at Hull after the passing of the Municipal Reform Bill, marked the growth of the feeling there in favour of the measure. Of the seven wards into which the borough was divided, in one only was there a Tory majority. A member of the Liberal party, communicating the good news to Mr. Hill, says:—'I write this to yourself from the grateful 'recollection I have of your services in the cause for the sake of 'which you sacrificed your election here. Your exertions at that 'time mainly contributed to the present triumph, and are fresh 'in the remembrance of all.'

It had been generally, though incorrectly, assumed that the late member for Hull presented himself in 1832 for election as a ministerial candidate. His course in Parliament soon proved his independence of party. During the first Session

[1] A fund was quickly subscribed to cover the cost of Mr. Hill's candidature. One contribution came from an anonymous donor, in the form of a sovereign fixed in a card, accompanied by the—'earnest hope that not an 'individual who is honoured by being called the friend of Mr. Hill, will suffer 'the subscription list to pass by him; and that the painful recollection of the dis-'graceful transactions of the last two days may not be further embittered by the 'circumstance of their having cost him a *single farthing*.' That sovereign, preserved as a sacred relic by his wife, has never been removed from the card. He received also a beautiful épergne with the following inscription:—

PRESENTED TO
MATTHEW DAVENPORT HILL, ESQ.
BY THE LADIES OF HULL,
WHO FELT AN INTEREST FOR HIS RE-ELECTION,
TO PERPETUATE THEIR ADMIRATION OF HIS FAITHFUL SERVICES,
COMMANDING TALENTS, AND INCORRUPTIBLE PATRIOTISM,
AS ONE OF THE REPRESENTATIVES OF THIS TOWN
IN THE TWO YEARS OF THE
FIRST REFORMED PARLIAMENT,
AND ESPECIALLY AS A TOKEN OF GRATITUDE FOR HIS NOBLE
DETERMINATION TO REVIVE THE PRINCIPLE OF
PURITY OF ELECTION,
UNKNOWN IN HULL SINCE THE TIME OF
ANDREW MARVEL.

he voted with Ministers only three times—against them eleven; and, scrupulous to preserve himself untrammelled, he abstained from attending the receptions of Lady Grey, the Prime Minister's wife. His votes continued to be given with a sole regard to what he believed to be best for the country. Among the questions upon which he voted against Ministers was the Repeal of the Corn Laws, which they opposed. He was unavoidably, and to his deep regret, absent from the debate on Mr. Buckingham's motion to abolish Impressment—a system defended even by Lord Althorp on the ground of necessity; but he took the earliest opportunity, when again in his place in the House, to express his abhorrence of the practice.[1]

When bidding farewell to his friends at Hull, Mr. Hill had told them that any aid he could thereafter render them and the town generally, would be at their command; and he was frequently asked by different bodies or individuals among his former constituents for advice and information of very various kinds. Answering an application from a Society of Working Men for his counsel on the best means of diffusing political knowledge, he congratulates them on forming an institution with this object. Assistance from richer neighbours might, he held, reasonably have been given, since it is to all of the greatest importance that the extension of knowledge should keep pace with the extension of power. Having alluded to the societies for self-instruction which had sprung up in many large towns, (those in Liverpool were called Brougham Institutions), he continues—'Franklin says, "If you want a good servant, wait on '"yourself." I might startle you by saying, If you want a good 'education, teach yourselves. Nor would the advice, if under-'stood in too literal a sense, be sound: but it is true, beyond 'all doubt, that every man who has had a really good education, 'has done infinitely more for himself than his best teachers have 'done for him; and it is equally true that many of the greatest

[1] After he had left the House of Commons he wrote to a friend:—'I con-'sidered myself, before I went into Parliament, under great personal obligations 'to Lord Althorp; but I voted against him frequently, even when he pledged 'himself to resign if beaten. He was wise and high-minded enough to do justice 'to my motives, but whether he had been so or not, I should have done just the 'same.'

'men that ever lived have been entirely self-educated. For my 'own part, I believe the greatest difficulty in learning is over-'come when the scholar is made aware that with ardour and 'industry he may do everything for himself, and that without 'these good qualities no teacher can help him. Good teachers, 'however—and among them I include good books—can make 'his path more even; and where they cannot be had, their place 'may be usefully supplied by the learners meeting together to 'talk over the subject of their study, and to furnish mutual 'assistance in resolving their doubts.

'Meanwhile it is well to consider what may be done in the 'present state of things. It may be said—"We have the news-'"papers; let the people read them." And so they do: and 'now that newspapers are cheaper, I hope their distribution 'among the working classes will rapidly increase. But news-'papers cannot do everything. In the first place, no one who 'has read nothing else can read a newspaper to full advantage; 'for, whatever might be the case formerly, newspapers are now 'written by persons of great attainments, who are in the habit 'of alluding (perhaps rather too much) to things as known by 'all their readers, with which many persons (myself often among 'the number) have not the good fortune to be acquainted. 'Again, they handle the topics of the day—and for the purposes 'of the day; and they cannot stop to give very full and com-'plete information to their readers, even if the haste in which 'they write enables them always to obtain it for themselves. It 'could be wished also—particularly with reference to political 'instruction, our present object—that editors felt themselves 'more at liberty to concentrate their attention upon *things*, 'instead of *persons*. . . . Newspapers, though invaluable as one 'class of public instructors, cannot monopolize the whole atten-'tion of the political student (whatever his previous education 'may have been) without injury to the character of his mind. 'The heat and excitement in which every topic is discussed 'naturally tends rather to form strong opinions than to produce 'a careful examination of the facts and principles on which 'those opinions rest. The passions are roused, feelings of par-'tizanship are strengthened, and the mind is put into a state

'better suited to act with vigour than to investigate in a temper 'likely to bring out just results. . . . What is wanted for the 'object before us is that every important political principle 'should be calmly examined, the arguments on both sides duly 'weighed, and the conclusion urged with force and spirit. . . . 'The first and most useful acquirement a sound politician makes 'is that of listening with candour and attention to both sides of 'an argument. I know of no other way in which he can attain 'to principles worth having, or learn to defend the opinions he 'ultimately adopts by any weapons worthy of a reasonable 'person to use.'

In the absence of books adapted to the wants of his correspondents, he recommends public readings of such parts of good works as could be made interesting and intelligible. This would render study a social pursuit, and furnish opportunities of pointing out errors in the author, and showing where the defects of his work may be supplied. '"But where are we to '"look for readers?" it may be inquired. I answer—"Among '"yourselves!" Many of you, I am sure, have the requisite 'qualifications. In some respects you are better qualified than 'those above you—you better know what your friends and 'neighbours require than gentlemen usually do. These latter 'have, generally, fallen into error on two important points. 'First, with regard to *matter*, they underrate the understanding 'and the ardour of the working man, and address him as they 'would boys and girls; whereas the majority of those who are 'likely to attend the meetings under consideration are persons 'who, if they have not read much, have exercised their minds 'in thought, and are at an age when they are not afraid of 'grappling with a difficulty, if there is a fair chance of over-'coming it. I have addressed many such persons, and what I 'now say is the result of experience. Indeed, when I reflect on 'their daily habits of toil and endurance, I am not surprised to 'find them, as I often do, superior in their power of mental labour 'to those who have been lapped all their lives in ease and luxury.

'The other error to which I referred is of an opposite kind. 'It is that of addressing the working classes in a language dif-'ferent from that to which they have been accustomed; and

'which, therefore, they do not sufficiently understand to be 'carried on with the speaker. Now the reader, who will have 'previously studied his book, will either explain a hard word as 'he proceeds, or substitute a more familiar expression in its 'place. I need scarcely add that the reader who qualifies him-'self for his task will learn at least as much as he teaches.

'Here I may mention what may appear a matter of small 'importance, as intrinsically it no doubt is—I mean the pro-'nunciation of words. To pronounce correctly, or rather ac-'cording to a received standard, is made a great point of by 'many of the higher classes. They have fixed the standard 'themselves, and as it is dependent on no rule, and varies a 'little from time to time, it is not so certainly attained by mere 'mental exertion as many other acquirements of infinitely 'greater value. Still, by consulting a pronouncing dictionary, 'and by an inquiry now and then of a kind friend, who has 'enjoyed the advantage of a regular education, this petty dis-'tinction may be obliterated. In every class, high and low, 'there will, I fear, always be many who, being denied the power 'of distinguishing themselves in things of worth, and where 'the contest is open to all, solace their complacency by an effemi-'nate attention to trifles, in which some have not the means of 'competition with them, and others do not condescend to use 'them. The highest minds will judge of you by the sense that 'you utter, and will care little for any slight peculiarity of sound 'in which it may be clothed; but it will never do, in this world, 'to think only of the best and the wisest: and in things in-'different in themselves there is no reason why we should not 'conform to the prevailing habits and manners of our time.'

He suggests for public reading *M'Culloch's Statistical Account of the British Empire*, as a vast magazine of knowledge, though not free from errors and defects. 'In this book there are,' he says, 'many chapters, which, if they stood alone, would never 'be called political—as, for instance, those on the geography 'and the geology of our country. But our geography and 'geology display our natural resources, and these again deter-'mine our employments, from which flow our wealth and its 'distribution. Thence arise the comparative powers and in-

'fluence of our various classes, which bear at once on our form 'of Government, and still more on its practice. Thus the study 'of these subjects gives a broader view of politics than can be 'obtained by those who address themselves solely to the points 'of contention between one party and the other, and enables the 'student to arrive at more just conclusions. While, in common 'with all knowledge, it has a tendency to liberalize the mind, 'and lift it above prejudice.'

Urging as essential to success a close economy in expenditure, he trusts—'the working-men of England will always remain 'superior to the silly affectation of confounding respectability 'with costliness,' and points out that an interchange of books with other societies would materially lessen their expenses.[1]

The Princess Victoria's majority was celebrated by the Reformers of Hull with a dinner attended by their members, at which Mr. Hill was invited to preside. This he was unable to do; but early in the following year a railway case took him there, when a public entertainment from his political friends marked the undiminished cordiality of their feelings towards him.

William IV. died on the 20th June, and the dissolution of Parliament consequent on a demise of the Crown took place on the 17th of July. The general election occupied the latter part of that month and the beginning of August.

To Margaret Hill.

'DERBY, *July*, 1837.

'I have finished my business at Derby, which was nearly all 'that was to be done by anybody, and am driving over to 'Nottingham to be present at a dinner to be given to the Liberal 'members. I was invited to Leicester to celebrate Easthope's 'and Duckworth's victory, but I could not find it in my heart 'to go to triumph over poor Goulbourn.

'We have lost both seats at Hull, which is a heavy blow to 'our party in general, and to me particularly distressing, as 'I cannot but feel that if fortune had permitted me to stand, it

[1] *Answer to a Letter from the Secretary of a Society for Political Instruction, formed by Working Men, asking for Advice on the Conduct of such Institutions.* By M. D. H. London: Effingham Wilson, 1836.

'might have been prevented. But I am far from repining, feeling 'that duty imperatively forbade my attempting any such step.

'M. D. HILL.'

In 1855 Mr. Hill's connection with Hull was pleasantly revived by an invitation from the then Mayor to preside at a meeting in promotion of the Reformatory movement. Writing to a staunch supporter of former times he said—'to see Hull 'once more, shake my old friends by the hand and unite with 'them in so noble a cause, would be a gratification of a very 'high order;' but he was unable to accept the invitation, nor was it ever in his power to visit the town again.

Many constituencies, sympathising with Mr. Hill's view of political independence, in after years wished him to represent them. But the wear and tear of the House of Commons, combined with the increasing toil of his profession, was more than he could prudently encounter. Henceforth he addressed himself to amending legislation by rousing and instructing public opinion on needed reforms, and by bringing his matured thought to bear upon the minds of those engaged in framing the laws—more especially the laws affecting the moral advancement of the people.

CHAPTER VIII.

Admitted King's Counsel—Defence of the *Spectator* for Libel—Freedom of the Press—Ipswich Election Case—Rowland Hill and Penny Postage—Case of the Baron de Bode—Petition of Right—English Law and English Honesty—Fails to obtain Justice—Canadian Prisoners—Popular Enthusiasm—Liberation of Nine of the Men—Law of *Habeas Corpus*—Important Decision—Recordership of Birmingham—First Charge—Problems of Criminal Jurisprudence.

In 1834 Mr. Hill was admitted to the rank of King's Counsel. A case in which he was engaged in the Court of King's Bench that year, in defending the proprietors of the *Spectator* newspaper on a charge of libel, the Duke of Beaufort being the plaintiff, illustrates the change in public opinion in regard to this offence, the matter complained of being mild indeed compared with what now daily passes unnoticed. The arduous nature of the duty of the defendant's advocate in such prosecutions was dwelt on by Mr. Hill. As the law then stood he was shut out from the plain and natural defence that his client had spoken the truth.[1] To withdraw the question of truth or falsehood from the consideration of the jury, too often made them the mere "ministers of vengeance" to a haughty and vindictive prosecutor. No jury ought to be employed in any office less honourable than that of administering justice on a full knowledge of all the facts.

Throughout the speech, by alternate argument and ridicule he held the attention of court and jury, now directing it to the more serious parts of the case, and now exposing its absurd features. Instancing Burke's famous letter against the Duke of Bedford, and Shakspere's mention of the namesake of the pro-

[1] It was long before the passing of Lord Campbell's Act authorised the truth of this reflection to be pleaded by the defendant.

secutor, Cardinal Beaufort, he suggested that on the theory of the prosecution those great authors should have been punished for libel. The result was a signal triumph. His task, however, had been no easy one. A strong array of counsel against him was led by Scarlett, "the Leviathan of the Bar"; and the Judge, though his summing-up was temperate, held that the matter in question was libellous. The verdict won by Mr. Hill was regarded as tending much to increase the freedom of the press.

A few months later he was the leading counsel for the petitioners in the well-known Ipswich Election case, when his speech was looked upon as an extraordinary effort of power and excellence. Both members were unseated, and the Committee made a strong report upon their proceedings.

The year 1835 brought a large surplus in the revenue, and various suggestions for reducing taxation were afloat. It occurred to Mr. Rowland Hill, in whose thoughts the question of postal improvement had long dwelt, that ease might be given to the people by lowering the rate of postage, and, as was usual with himself and his brothers, when a subject of importance occupied the mind of any one of them, they discussed it together. The eldest suggested to him to draw up a brief statement of his views. He did so, and soon afterwards wrote:—'I purpose 'being with you about three to-morrow, with the view of read-'ing over to you my paper on the Post-office, if you can spare 'me an hour.' This was the germ of his scheme of Postal Reform. When perfected there remained to win for it public approval, and to obtain its acceptance by the Legislature. Here his brother Matthew could give material aid, and he devoted to this enterprise all the time and labour that other claims permitted him to bestow.

The autumn gales of 1836 prevailed for many weeks, and with unusual severity. During a tremendous storm Mr. Hill was travelling to Dover by coach. Upon Rochester Bridge the vehicle was blown across the roadway, and, the balustrades having been already swept away, it appeared inevitable that the coach should follow them into the river. Happily, the curb-stone arrested its course, but at the same time upset it. The inside passengers, including Mr. Hill, now climbed out, one of

his companions seeming to dance upon him in his struggles to escape. He himself, to his surprise, when recalling the circumstances, had not felt alarm for his safety; his anxiety had been centred on preserving his place in the book he happened to be reading when the overturn occurred. He wrote to his wife, from Dover—'You will be glad to learn I am safely arrived. It 'has blown a hurricane. The road is strewn with tiles, bricks, 'and fallen trees. Here a house is fallen, and chimneys innu-'merable. In one place I saw at least twenty trees lying across 'the road. Many houses have the roofs stripped bare, and from 'one I saw the people taking their goods. The damage must be 'immense. Many vessels have passed to-day in distress. It 'was impossible to afford them any help. The wind carried a 'boat from the beach into the sea. The water of the Medway 'was raised into spray, so that at first sight it seemed as if a 'fog hung over the river.'

In 1838 Mr. Hill for the first time argued in Court the case of the Baron de Bode—one of the *causes célèbres* of the century. Already he had advocated it in Parliament, and for more than twenty years it engaged his attention and moved his deepest sympathy. The Baron was born at Loxley Hall in Staffordshire, the seat of the ancient family of Kynnersley, of which his mother was a member. His claim against the English Government arose from the fact of his being a British subject; and the sturdy resolution with which he long maintained it, revealed the British steadfastness that was his by inheritance.[1] Possessed of the fief of Soultz-sous-Forêt in Alsace, which in 1793 was confiscated by the Revolutionary Government of France, he was one of several British subjects whose title to compensation under the Treaty of 1786 between England and France for such loss of property, was recognised by the French Government at the Peace of 1814. The sum estimated to replace his loss was accordingly included in the amount handed over by the French to the English Treasury, for the liquidation of the claims.

[1] An MS. autobiography of his mother the Baroness de Bode, whose life, after the ruin and dispersion of her family by the French Revolution, was one of extraordinary vicissitudes, shows her to have been a woman of heroic character.

Then began that course of opposition to the discharge of a debt voluntarily undertaken by the English Government which, it is to be hoped, is as unexampled as it is incapable of any creditable explanation.[1]

For some years the Baron appears to have prosecuted his cause unaided. It was then taken up by Mr. Stanley (the late Lord Derby) who brought it into the House of Commons, where, successively supported by Sir James Graham, Serjeant Wilde, and Mr. Hill, it met with a temporary success which was frustrated by the Dissolution of 1834. Thence it was carried into the Law Courts, where Mr. Hill obtained verdict after verdict in his client's favour, but always, unhappily, upset upon technical grounds.[2] Defeated in 1838 in the Court of Queen's Bench, the Baron revived the ancient remedy against the Crown by preferring a Petition of Right, and succeeded in obtaining the endorsement—"Let right be done." But these noble words proved in his case to have no significance, though a Trial at Bar in 1844, resulted in a verdict finding for the claimant on all the facts. Judgment was nevertheless given for the Crown, on the plea that a decision adverse to the Baron had been made by the Commission before which, in 1816, he had had to prove his claim; which adverse decision, under the Statute, was conclusive, though prematurely made, and—as was subsequently established—on erroneous grounds.

Here then was created a new point of departure. The Commission had adjudicated against the Baron, and this adjudication was now decided to have closed his appeal to law. But the Commissioners had been proved, over and over again, to have adjudicated, in regard to him, contrary to the conditions of their commission. In justice therefore their adjudication could not stand. Hitherto he had trusted to English law; he was now to invoke English honesty. But in 1846 death closed for him the struggle, when the claim descended to his son, the present head of the family.

[1] For the details of this interesting case, the incidents in which resemble rather those of a romance than of ordinary life, see Appendix.

[2] He was aided in his gratuitous labours by Mr. Serjeant Manning (whose profound learning made his assistance peculiarly valuable), Mr. Chisholm Anstey, Mr. G. A. Young, and the present Mr. Justice Mellor.

In 1852, Lord Lyndhurst made a successful motion in the House of Lords, for a Committee. It reported unanimously in the Baron's favour; but a further effort by the same eminent law-lord to give effect to the report was defeated. In 1854 a motion in the House of Commons "to satisfy the just claims "of the Baron de Bode," was lost by a small majority. Seven years later the present Mr. Justice Denman obtained a Committee. It sat during the remainder of the Session without finishing the inquiry. But now the claimant's funds were utterly exhausted, and he was compelled finally to relinquish the contest.

After his withdrawal from the Bar, Mr. Hill continued to give his aid and advice in every step taken by the Baron de Bode. Thus for nearly a quarter of a century he fought—in vain—to obtain justice for an ill-used man, and to relieve his country from a foul stain of dishonour.

The year 1839 found Mr. Hill much out of health, but an occasion was at hand which—as had often happened before, and was often to happen again—roused him from pain and depression to one of the great efforts of his life.

In the previous year a serious rebellion had broken out in Upper Canada. After its suppression some of the insurgents were executed, and many more were sentenced to be transported to Van Diemen's Land. On their way thither in December, twelve of these prisoners (belonging chiefly to the middle class) were landed at Liverpool, and lodged in the gaol of that borough. One of the party had, before being put on board, addressed a protest to the Canadian authorities against the treatment of himself and his companions as being illegal; and immediately on landing they wrote to leading British statesmen and members of Parliament, and forwarded a petition to the Queen herself, praying that their case might be taken into consideration.

Much sympathy soon arose for the prisoners, owing to the youth of some, and to doubts of the serious guilt of several. Moreover, it was believed that these latter had been induced, under the dread of the violently partisan juries then sitting in Upper Canada, to make a confession, and to petition against the

extreme penalty to which their alleged offence of treason rendered them liable, on the understanding that they would be lightly dealt with.

Immediately on their arrival at Liverpool, orders had been received from Government for their transference to Portsmouth, there to embark for Van Diemen's Land. They had no funds to contest the question; but help was at hand. Their cause was at once taken up by Mr. Hume and Mr. Roebuck, and by the eminent solicitors, Messrs. Ashurst and Gainsford. Writs of *habeas corpus* were sued out, in pursuance of which the prisoners, instead of being shipped out of the country, were conveyed to London, and lodged in Newgate.

So strongly was public interest excited in their behalf, that at the railway stations along the line fellow-passengers gathered round their carriage to express their sympathy. Many persons visited them in gaol. When they were brought up before the Court of King's Bench, crowds collected round Westminster Hall, cheering loudly; and, in spite of the necessarily dry and technical character of the proceedings, every place in the Court was filled.

Mr. Hill acted as leading counsel, with Mr. Thomas Falconer, Mr. Roebuck, and Mr. A. A. Fry.

The return made by the gaoler to the writ of *habeas corpus* showed that, after the suppression of the insurrection, the Legislature of the province passed an Act authorising a pardon to be granted by the Governor to such persons charged with high treason as should, before arraignment, confess their guilt and petition for a conditional pardon, the conditions to be settled afterwards: that Wixon (the prisoner in whose case the question was being argued) [1] had been so charged, and had been pardoned on condition of being transported to Van Diemen's Land for his life: that for want of means to convey him thither directly, he was taken first to Quebec in Lower Canada, then embarked to England, and there kept in safe custody in Liverpool gaol, while the necessary preparations were made for transporting him.

[1] Three of the twelve prisoners had been tried and convicted of high treason in ordinary course of law, but the remainder were in the same position as Wixon.

To this return the prisoners' Counsel took several objections, some of them of a strictly technical nature; but also on the ground that a provincial Legislature had no power to pass the Act under which they were condemned: that no Act of the provincial Parliament could have force out of the province: that the transportation was illegally conducted by sending the men to this country: and that there was no warrant from the Crown authorising their detention. The Court decided against the prisoners and remanded them back to gaol.

On the following day (January 25th) a similar application was made on their behalf to the Court of Exchequer, but with a like result.[1]

Another effort was yet to be made. On the 13th of June, Lord Brougham wrote to Mr. Hill—'The Canada Petition is 'most admirably drawn. I shall open it fully to-day.' On presenting it to the House of Lords he maintained the claim of the nine untried prisoners to be released, with all his usual force and eloquence. Lord Normanby, on behalf of the Government, deprecated any debate upon the questions raised, and stated that the petition was now under consideration. Mr. Leader presented one, similar in effect, to the House of Commons.

[1] The following notes on this important case were made by Lord Brougham and sent to Mr. Hill:—

'1. The return does not aver any consent or condition whatever on the 'men's part to be brought to England, but only to go to New South Wales.

'2. The gaoler does not aver any *warrant* to be in existence authorising '*him* or commanding *him* to detain them. No power on earth exists to issue a 'general negotiable warrant, which A. B., the hand that first receives it, may 'pass to any other. This is important—and *I know the defect is felt.*

'3. By the same process any ship, with any twelve Americans or Russians, &c., 'may come and make what statement it pleases to any gaoler, and obtain his aid, 'and that of the Government here, to have them all taken to New South Wales.

'4. The Act 5 Geo. 4. Sec. 4. 17, is the only thing which can legalize the bring-'ing here at all, and it is expressly confined to *convicts.*

'5. The power of the Upper Canada Government and Parliament, only enabled 'them to carry them to the frontier. The Lower Canada Government had no power at all to deal with them.

'6. If they could be carried to Quebec, why not to Newfoundland, or Green-'land? The return does not even aver that it was necessary to take them to 'Quebec, I believe.

'Read clearly to the Court the very words of 5 Geo. 4, as the charter and 'ground of the whole.'

The deliberations of the Law Officers of the Crown ultimately left as the only alternative either to bring the men to trial in England for high treason, or to liberate them. The latter course was adopted, and the prisoners were set free.

Besides obtaining the liberation of these nine men, the inquiry from which it had resulted was of great constitutional utility. It procured a thorough examination of the law of *habeas corpus*, and the consequent decision of these important points:—first, that in vacation time a single Judge of a Common Law Court can issue a writ of *habeas corpus*, even if returnable *immediately*, as in this case—the Crown having moved to question the writ on the ground that it ought, in vacation, to have been issued by the Court of Chancery: and, secondly, that the Court will grant a rule to attach the maker of the return, for knowingly stating in it false matter, instead of leaving the person aggrieved to the dilatory remedy of an action—since, in this instance, the Court of Queen's Bench, notwithstanding the opposition of the Crown counsel, granted a rule calling on the gaoler to show cause why he should not be attached for a false statement in the return; though upon its being shown that the untruth was not intentional, the rule was discharged.[1]

Before the Municipal Corporations' Reform Bill had passed the Legislature, towns which, under one of its clauses would be empowered to petition the Crown to bestow upon them a Recorder, were looking around for the men they desired to see filling that office; and Mr. Hill's friends at Hull early expressed their hope that he would be appointed for their borough. 'Everybody,' wrote one of them (meaning probably every one of the Liberal party) 'is anxious to have a connection 'between you and the town. Our triumph will be full when 'you are our head.' But his native town also wished to bestow upon him its new judicial office, and in April of this year he became Recorder of Birmingham.

[1] *Report of the Case of the Canadian Prisoners with an Introduction on the Writ of Habeas Corpus*, by Alfred A. Fry, Esq., of Lincoln's Inn. London: Maxwell, 1839. In the *Law Reports* the case is entitled 'The Queen *v.* Bacheldor,' Mr Bacheldor being the Governor of Liverpool Borough Gaol, against whom the writs of *habeas corpus* were taken out.

Shortly before he opened his first sessions riotous assemblages in the town had made it necessary to call in military aid. The conflict had roused a feeling of exasperation, and it was thought prudent that some dragoons should mount guard at the entrance to the Recorder's Court. Adverting to this circumstance in his Charge to the Grand Jury, he expressed his bitter humiliation that the first introduction of trial by jury into the town of Birmingham should be made memorable by the circumstances under which he spoke. 'To my feelings as a lawyer 'and an admirer of our Constitution,' he said, 'nothing can be 'more abhorrent than that the administration of justice should 'be carried on in the presence of a military array. In common 'with yourselves I am imbued to the full with jealousy of 'military interference. In the administration of justice, soldiers, 'under pretence of guarding the ministers of the law from out-'rage, have been employed in some periods of our history to 'overawe their proceedings; their attendance, therefore, is never 'permitted except when required by an overwhelming necessity, to 'which all rules must give way. . . . I can scarcely suppose,' he continued, 'that the gentlemen whom I am addressing, many of 'whom I have known from my earliest youth—that men, filling 'your eminent position in the borough, and feeling, as I know 'you all do, sincere and ardent interest in its welfare, can have 'witnessed the change which our Queen has wrought in granting 'her Charter of incorporation, and in commanding me to hold my 'sessions in your town, without having your minds directed to 'the reasons for the course which has been taken, and to the 'benefits which may be expected to flow from this application 'of the great maxim of our jurisprudence, that, "justice ought '" to be brought home to every man's door."

'The consideration of these questions, as might be expected, has 'much occupied my mind; and as principles are involved in 'them which will have a practical bearing on your duties and 'mine,—on your duties as persons of influence among your fellow-townsmen as well as in your present capacity,—I shall 'proceed to offer such remarks as it has occurred to me might be profitably submitted to your attention.'[1]

[1] *Repression of Crime*, p. 4.

He then glanced at the principles whereon all efforts for the diminution of crime must be based (with which on subsequent occasions he dealt at length), thus beginning that series of calm and philosophical addresses, which came to be eagerly read as expositions of the most important problems of the day, in criminal jurisprudence.

CHAPTER IX.

THE REFORMATORY MOVEMENT—JUVENILE OFFENDERS.

History of Criminal Jurisprudence—Philanthropic Society—Captain Brenton—Parkhurst—The "Child-Criminal"—Warwickshire Magistrates—Recorder of Birmingham adopts their Plan—Stretton-on-Dunsmoor—Success—Failure of Plan in London, and Why—Juvenile Crime Increasing—Meeting at City of London Tavern——Parental Responsibility—Mr. Frederic Hill—Juvenile Offenders' Act—Its Insufficiency—Rev. Sydney Turner and Mr. Paynter—Their Account of Mettray—Recorder of Birmingham Visits that Institution—de Courteilles and Demetz—Red Hill Farm-school—Industrial Day-schools—Sheriff Watson—"Perishing and Dangerous Classes"—Mary Carpenter—First Birmingham Conference—Miss Amelia Murray—Mr. Adderley—House of Commons Committee—Mr. M. T. Baines—Reformatory Schools—Mr. Barwick Baker and Mr. Bengough—Second Birmingham Conference——Lord Shaftesbury—Youthful Offenders' Act, 1854—Voluntary and Official Co-operation—Fourteen Days' Clause—Lady Noel Byron—Industrial Schools—Acts of 1857, and 1866—What a Teacher should be—Third Birmingham Conference—Day-industrial Feeding-schools—Programme of First Conference Fulfilled.

BEFORE continuing the narrative of Mr. Hill's life, it is necessary to cast a rapid glance over the history of prison discipline and criminal law, from the periods when Howard initiated gaol-reform, and Romilly began his attacks on our penal code—a "code of "blood," in which terror of punishment was the sole apparent motive relied on by the Legislature for the repression of crime.

As soon as popular feeling repudiates the simple expedient of putting offenders to death by wholesale, it begins to listen to appeals for amendment in the discipline to which they must be subject if kept alive. 'Henry Fielding,' Mr. Hill has remarked, 'was among the first to perceive the mon-'strous defects of the criminal law as it existed in his time, and 'the wretched state of its administration. His pregnant hints on

'these subjects are known to all his readers, scattered as they are 'throughout his works, and sinking into the memory by the 'pungent satire in which they are conveyed. These valuable 'suggestions, as well as various papers devoted exclusively to 'matters of jurisprudence, which are but as stars that have set, 'heliacally, in the splendour of his fame as a writer of fiction, 'would have made the reputation of an author not otherwise 'known.' But such attempts at improvement as had been made in England before the time of Howard and Romilly, though doubtless they had had some effect in preparing and informing the public mind, yet had produced little apparent result; and thus it is, that these philanthropists are regarded as beginning a new era in the law which punishes, no less than in the discipline which that law inflicts. Howard is perhaps best known as the reformer of prisons in their material economy; but his labours did not cease there. He gave equal attention to the moral improvement of the prisoner, both adult and juvenile. But it must be acknowledged that he belongs to the category of great men who have been praised more than either understood or followed. Writing to a friend, Mr. Hill said:—'With the 'exception of those changes which approve themselves to the 'common instincts of benevolence, such as cleanliness, ventila- 'tion, drainage, &c., the seed sown by Howard fell in stony 'places. Whatever required the faintest tincture of philosophy 'for its appreciation was lost, and had to be refound, and in 'many cases it has been reinvented.'

Still the Philanthropic Society,[1] founded in 1788, is said to owe its origin to Howard's teachings, and to those of his contemporary, Jonas Hanway. Numerous other associations having a similar object, followed in its wake. A school for boys, admirable in its simplicity, and in the good spirit created among its inmates, was opened at Bow by a captain in the navy, Edward Pelham Brenton; but it was closed at his death. Springing, indeed, entirely from voluntary effort, and lacking all legal powers, the institutions which now came into existence, were inadequate to cope with the evil they had been established to sup-

[1] The Society mentioned in Miss Edgeworth's story of the *False Key*. It opened a school for neglected boys.

press.[1] Nevertheless they did good service in pointing out the right method of dealing with juvenile delinquency—the source of that river of crime which spread its corrupting waters through the land. Obvious as the necessity for drying up this stream appears now, it required a weary length of years to instil the conviction of that necessity into the public mind. The state of the child-criminal remained, for more than half a century after the foundation of the Philanthropic Society, substantially that which Mr. Hill thus described—'An urchin with or without a little schooling, but cer-
'tainly without religious and moral training, is wandering about
'the streets. Some article attracts his eye, which a shopkeeper
'has placed outside his door to draw the attention of customers.
'He carries it off, escapes detection, and repeats his offence, until
'he is caught at last. Perhaps he knows that he has been doing
'wrong; perhaps, on the contrary, the applause of bad com-
'panions and wicked parents who share his plunder, impress
'him with the belief that he is doing right—worthily filling his
'appointed place in society. Again, in the benighted state of
'his moral perceptions, it may be that he is uncertain as to
'whether he is doing right or wrong. The goods were in the
'street, he took them up; and who had taught him to know
'where *finding* ends, and *stealing* begins? What instruction
'did he ever receive as to the limits which divide *trover* from
'*larceny?* Or, what is more to the purpose—who had culti-
'vated in his soul those fine and noble instincts, which, without
'giving him time to reason upon what he was about, would have
'checked him by the unhesitating conviction that he was falling
'into crime? He then finds himself after a time of impunity—
'not unfrequently a long period—grasped by the strong hand of
'a policeman, conveyed to the station, brought before the pre-
'siding constable, thence despatched to the lock-up house; and

[1] Meanwhile Parliament had not been wholly inactive. Among other Bills the object of which was the repression of youthful crime, one brought in by Lord John Russell, in 1838, created an institution at Parkhurst in the Isle of Wight for the reception of criminal boys. Doubtless it was better than the ordinary gaol; but it was essentially a prison under government direction, from which almost every element of success in reformatory treatment was absent. Several years later, when voluntary institutions had established a pattern, it became much improved; but as the voluntary schools increased in number the official institution was no longer needed, and Parkhurst was closed.

'in due course he is ushered into the awful presence of the 'magistrate. Here, witnesses are examined, their evidence 'taken down in writing—he is called upon for his defence, which 'his attorney, if he has one, advises him to reserve for his trial; 'and he is brought away to the Assize-town, enjoying perhaps, for 'the first time, the luxury of travelling in a carriage; he is taken 'to the County Gaol, and there introduced to a society, who 'receive him, not as one deserving censure or reproach, but with 'the feeling of "Hail, fellow, well met!"

'After a while comes the trial; and what is the result? It is 'his first offence; that is to say, his first detected offence. That 'circumstance and his youth enable the Court to indulge their 'sympathies; and he receives a light sentence, a month or two, 'or a week or two, no matter which. He is then turned out 'on the world. If by accident he brought any remnant of 'religious or moral impressions into gaol, be sure none went 'forth with him. If he came regretting the loss of his position 'in the society of the honest and well-disposed, depend upon 'it the new community of which he has become a member has 'reconciled him to his lot. Yet, thus morally frail to the last 'extremity of weakness, he is turned adrift and called upon to 'make the choice of Hercules. Honest Industry stands on his 'right, but, alas! she is perched on an inaccessible rock; and, 'moreover, he feels that she must be a very dull companion, even 'if he could climb up to her; while the evil genius who per-'sonifies a short life and a merry one, beckons him from the 'bottom of an easy slope, a tankard in his hand and a pipe in 'his mouth.

'And this is the object attained by the complicated and 'expensive machinery of the law! Here is the result of the 'labours of policemen, attorneys, counsel, justices, recorders, 'judges and juries, grand and petty—grand and petty indeed! 'Vast in the means, miserable in the end! How are we re-'minded of the verses of Young—

> "An ocean into mountains rais'd
> To waft a feather, or to drown a fly!"

'Nay, it is worse, for the fly is *not* drowned. He is soon cast 'upon the shore, dries his wings, buzzes away as trouble-

'some as ever, and what is worse, finds out that he has a sting. 'His offences become the less tolerable as he grows older; and 'after many trials and many convictions, a penal colony or the 'gallows is his destination.'[1]

It was perhaps not unnatural that the public whose only knowledge of the young criminal was derived from the newspaper reports of his trial, should remain indifferent to his downward course; but among his judges were those who meeting him face to face were moved to compassion by his inevitable fate. They recognised the futility of expecting any benefit to the child, or to society, from immuring him, often so small that his little head was hardly visible above the top of the dock, within the gloomy walls of a gaol. Thus were they led to seek wiser and more humane means of dealing with him. For instance, the magistrates of Warwickshire were in the habit, whenever feasible, of returning the young offender, if not hardened in crime, to his employer, who was seldom unwilling to give him another trial. The practice made a deep impression on Mr. Hill when he attended the Sessions of that county, and on becoming Recorder of Birmingham he adopted it himself. At the same time, to guard against the danger of creating a belief that juvenile crime would meet with impunity, he inflicted severe punishment on those who, by a fresh offence, abused his clemency. The experience of a few years convinced him that this method (rendered still more effective by improvements of his own) better fulfilled the ends of justice, than any other which had hitherto commended itself as practicable to his mind. Its success he attributed to the influence of family life, and to the fact of the child having become an object of kindly interest to his master. 'How often,' he says, 'has 'it happened to me to be addressed by a prosecutor with 'tears in his eyes, imploring that the young prisoner might be 'given up to him again for a further trial! And when I have 'yielded to that entreaty, there has been a burst of grateful 'thanks for being allowed to assume the anxious responsibility 'of making a convicted felon a member of his household!'[2]

[1] Speech at a Meeting to found a Reformatory-school for the county of Warwick, April 2nd, 1855. *Repression of Crime*, p. 349.

[2] *Repression of Crime*, p. 602.

The gratitude expressed to him he felt, on the contrary, to be due to the excellent persons who relieved him from the terrible necessity of condemning children to gaol. To testify his sense of obligation towards them, and to widen public interest in the scheme, he, on more than one occasion, asked their attendance at a friendly gathering, and invited the leading inhabitants of Birmingham, including representatives of the clergy and ministers of all denominations, to meet them.

Aided by leading organs of the press, the attention he desired was excited.[1] The plan was soon adopted in several places, and an attempt was made by the magistrates of the Middlesex Sessions to introduce it in the part of London under their jurisdiction. But here it failed from the appalling fact that scarcely one among the juvenile delinquents of the metropolis possessed either employer, parents, or friends! The same difficulty, though in a smaller degree, had indeed presented itself to the magistrates of Warwickshire, and had given birth to a further effort in behalf of the neglected child. They, in 1818, established at Stretton-on-Dunsmoor, an asylum for the reception of such friendless children. It resembled the reformatory schools of the present day, except that it was neither subsidized by the State, nor invested with legal power of detention over its inmates. This institution Mr. Hill held in high estimation, and availed himself of it for the reception of lads convicted before him, who could not be returned to their friends.[2]

But merely local efforts proved inadequate to stem the stream of juvenile crime, which had now attained a fearful height. In 1844, the number of young persons committed to prison between the ages of ten and twenty amounted to 11,348, or one in three hundred and four of the whole population of corresponding age. At a meeting held in the City of London, early in 1846, to consider some national scheme for its reduction, Mr. Charles Pearson (then City Solicitor) proposed the establish-

[1] The *Spectator* (Jan. 20th, 1844) speaks of the plan as—'so far an adoption of 'what we conceive to be the sound principle of correctional discipline; and, so far, 'it is a departure from the principle of retributive punishment, the source of so 'much embarrassment in the existing system.'

[2] The School, after effecting much good for thirty-six years, was closed in 1854, for want of funds.

ment of special asylums for criminal and destitute children, in place of the ordinary prison. But just as the Warwickshire institution depended entirely on voluntary support and management, those now proposed were, on the contrary, to be wholly maintained and directed by the State. The combination of the two elements in which lay the successful solution of the problem had not as yet been thought of.

The proposition that the pecuniary responsibility of parents for the support of their children is in no way abrogated by the fact of these falling into crime, had already been enunciated by the Inspector of Prisons for Scotland (Mr. Frederic Hill). Mr. Pearson enforced the same principle—suggesting however, that, in case of inability in the parent, the parish to which the child belonged should be called upon to pay for its maintenance, and in his speech at the meeting the Recorder of Birmingham gave it his earnest support.[1] But the cost of repressing crime, the speaker assured his hearers, even if it fell upon the country, sank far below that of leaving the criminal at large;[2] and he concluded with these prophetic words:—'Although the evil presses upon us,

[1] 'The duty of a parent to maintain his child,' he has elsewhere said, 'arises from 'the simple fact of his having brought him into being. If the child turn out an idiot, 'blind, deaf or hopelessly infirm, the parent must still maintain his offspring, in 'health or in sickness, to the end of their joint lives. Why, then, should he not 'maintain his child when that child falls into crime, or, in other words, is infected 'with moral disease?'

[2] A startling illustration of the cost, moral and pecuniary, to the community consequent upon the neglect of such children has lately been published by the Rev. C. L. Brace, of New York, in the *Report of the Children's Aid Society* for 1875. An inquiry into the history of the descendants of five little sisters—members of a vagrant family who were living in the State of New York about a hundred years ago, shows that seven hundred and nine have been accurately tabulated. 'Of these, ninety-one are known to be illegitimate, and three hundred 'and sixty-eight legitimate, leaving two hundred and fifty unknown as to birth. '*One hundred and twenty-eight* are known to be prostitutes, eighteen kept houses 'of bad repute, and sixty-seven were diseased, and therefore cared for by the 'public. Only twenty-two ever acquired property, and eight of these lost what 'they had gained. One hundred and forty-two received out-door relief during an 'aggregate number of seven hundred and thirty-four years; sixty-four were in the 'almshouse [workhouse] of the county, and spent there an aggregate number of 'ninety-six years; seventy-six were publicly recorded as criminals, having com-'mitted one hundred and fifteen offences, and been one hundred and sixteen years 'in jails and prisons.' Further investigation increases the probable number of descendants to 1200; and their cost to the State, including relief as paupers, expenses of conviction, maintenance in prison, and value of property destroyed,

'on all hands, I believe that the energies of this great nation can 'grapple with it, and that the work we have now begun will not 'be checked till it ends in perfect fruition, and this plan, or 'some analogous measure, is adopted throughout the country.'[1]

But years of toil yet lay before the workers in the cause. A *Report upon the Principles of Punishment*, which, at the request of the Law Amendment Society, Mr. Hill drew up at the end of this year, was followed in the succeeding Session of Parliament by a Memorial from the magistrates of Liverpool, praying for the amendment of the criminal law.[2] This was presented by Lord Brougham, who subsequently moved for a Committee of the House, before which Mr. Hill gave evidence. Its labours resulted in a Bill which became law in July; but it fell far short of what was needed. In June 1848 a meeting to urge upon Government the establishment of reformatory institutions for the young, was held, under the presidency of Dr. Stanley, Bishop of Norwich, at the City of London Tavern, where the scanty audience in the body of the room, by its contrast with the crowd of eminent men on the platform, showed that the public at large took as yet little interest in the subject.

But now a powerful influence was making itself felt from abroad. Mr. Paynter, the late police magistrate, and the Rev. Sydney Turner, at that time Chaplain to the Philanthropic Society, had in 1845 visited Mettray, and their published narrative of what they saw led others to inspect that establishment. Among these was Mr. Hill, who repaired thither in his autumn vacation of 1848, and made the institution the subject of a Charge at his October Sessions.[3] He went to Mettray fearing he should find it a beautiful illusion—that the accounts yet received of it in England must prove too good to be true. Devoting two days to a rigid examination of every department,

is estimated at $1,023,600. Such has been the consequence of neglecting the five little vagrant girls.

[1] *Times*, Feb. 16th, 1846.

[2] Already, in 1841, the same body had, at the instance of Mr. Rushton, then stipendiary magistrate, sent up a similar memorial to the House of Commons.

[3] This Charge was printed in the Appendix to the *Report of the Committee of the House of Commons on Criminal and Destitute Children*, 1853. It was also published in *Repression of Crime*.

he was driven back from one fortress of unbelief to another, until at last his mind settled in the conviction—confirmed by the accumulated evidence of succeeding years—that Mettray constitutes the masterpiece of human genius and benevolence; while in its gradual development, and in the revelation of fresh perfections, the more nearly it is examined the more closely it is seen to resemble a grand work of Nature, rather than any production of man. On numerous occasions he pressed upon his countrymen the importance of studying this great Exemplar. 'It is impossible,' he said, 'to overrate the blessing of having 'had such men as de Courteilles and Demetz to precede us.[1] 'They have raised our standard of possibilities, and their noble 'institution remains always ready to testify to the wondrous 'power of reformatory action, under able direction, when urged

[1] At the time of Mr. Hill's first visit to Mettray, the Vicomte De Brétignères de Courteilles, who died in 1852, happened to be absent, and they never met. M. Demetz, from the commencement of their acquaintance, he numbered among his most beloved friends. Born in 1796, of an ancient and noble family, Frédéric Auguste Demetz was educated for the legal profession, and at an early age became *Président de la Chambre de Police Correctionelle*, attached to the *Tribunal Civil de la Seine*. Touched with pity for the children whom his sentence consigned to prisons where, in association with older delinquents, he knew they could only become confirmed in evil, he discharged a large proportion, thus availing himself of an alternative left open to him by the law. Remonstrated with by a superior in office, who disapproved his course, Demetz maintained his right to act according to his judgment, and persevered in the plan he had adopted. He soon found himself promoted to a higher court, where criminal children were no longer within his jurisdiction. But the thought of their miserable fate haunted him none the less, and resolving to accomplish their rescue, he resigned his office and consecrated the remainder of his life to his holy mission. By travel he acquired a knowledge of what had been done in foreign countries for the reformation of criminals. At the Rauhe Haus, near Hamburg, where, in 1833, Dr. Wichern had opened his admirable asylum for neglected children, Demetz found the inmates separated into family groups, and recognising in this plan the true method of dealing with warped and degraded natures, he made it his own. Invoking the aid of his old schoolfellow, M. de Courteilles, a man as remarkable as himself for sagacity and benevolence, who possessed an estate near Tours, they there planted their institution, and having obtained aid from all classes of their countrymen and subsidies from the State, they began their operations in July, 1839. Mettray was henceforth the home of Demetz. The Reformatory, securely based on the soundest philosophical and economical principles, increased in efficiency with every year of its development; while his marvellous power of organisation, his fertility in resource, and his unceasing study of the science and art of reformatory treatment, added improvement to improvement. His labours ended only with his life. He died in 1873.

'forward with the glowing zeal and the indomitable perseverance 'which they brought to the conflict. . . No Mahommedan believes 'more devoutly in the efficacy of a pilgrimage to Mecca, than I do 'in one to Mettray.' Yet he warned the student against servile imitations. Expedients exquisitely adapted to the French character are not necessarily suitable in England. 'We must look,' he said, 'to the principle, and seek out English equivalents to 'bring it into action at home.'[1] Mettray happily has become too well known in this country for the description which the Recorder's Charge contained to need repetition here. Of its success the careful investigation he had made enabled him to speak confidently. It reformed eighty-five per cent. of the youths committed to its care.[2]

Comparing that institution with Stretton-on-Dunsmoor, Mr. Hill showed it to be the cheaper, as well as by far the more successful, of the two. At this date, the Asylum was the only establishment of the same character existing in England, but early in the following year the Philanthropic Society opened its well-known Farm-school at Red Hill in Surrey, on the model of Mettray.

Meanwhile other agencies had arisen for dealing with children, who, though not yet within the grasp of the law, seem born only to become inmates of the gaol—notably Industrial-day Schools, originated by Sheriff Watson in Aberdeen; and Ragged-schools, which rapidly spread through our large towns. Somewhat differing from these, inasmuch as the children received there were both boarded and lodged, was the Free-industrial School, founded at Birmingham by the Rev. Grantham Yorke.[3] When laying the inscription-stone of the building in April 1849, Mr. Hill said:—'In the erection of this fortress whence to attack crime, I

[1] *Mettray the Exemplar of Reformatory Schools;* a Letter to Charles Bowyer Adderley, Esq., M.P., from the Recorder of Birmingham.—*Law Review*, February, 1855.

[2] Since 1848, in accordance with the constant improvement and development of the institution, the proportion reformed has steadily advanced. The Government returns for 1877 (kept in France with proverbial accuracy and minuteness) give slightly over 94 per cent. as reformed, of the number liberated from Mettray since its commencement.

[3] The present Dean of Worcester. On the passing of the Industrial Schools' Act, the institution was certified.

'see a noble front presented to the enemy. The means to be 'therein employed have been defined by the saying of the Lace-'dæmonian king, who when asked what it was right to teach 'boys, answered—"That which will be useful to them when they '"are men." As the future life of the children who are to be 'brought up here will depend upon their industry or indolence, 'labour must be the corner-stone of our system of training. Let 'then the child while his mind is under improvement, learn also 'some handicraft. Its acquisition will demand the exercise of 'thought and self-control, of even more importance than the 'craft itself, though merely incidental to it. . . The objects of 'your wise bounty will learn to realise the respectability of labour, 'the rank that it gives, the immense distance that divides the 'humblest day-labourer from the criminal. You know, for we all 'know, except the wildest demagogues, the vast difference between 'the rank of a peer of the realm and that of an artisan; but 'I hold, and in this I know I shall have the concurrence of 'the noble lord present—that that difference shrinks into an 'unappreciable space as compared with the gulf which separates 'the honest artizan from the depredating felon.'

But these institutions, though powerful to prevent, were yet feeble to reclaim, and demonstrated the necessity for an effective organisation adapted to the needs of children already graduated in crime. The question how successfully to deal with the "perishing and dangerous classes," a designation which the pen of their devoted friend and benefactor, Mary Carpenter, now affixed to neglected and criminal children, still remained unanswered. In 1851 Mr. Hill becoming a resident at Bristol, made the personal acquaintance of this lady. His large experience as a criminal judge, and her practical familiarity with the class whence criminals spring, made the knowledge which each had acquired the complement of that possessed by the other. 'I 'have an admirable coadjutor in Mary Carpenter,' he writes in November to his sister, Mrs. Francis Clark. 'We are going 'to hold a Conference at Birmingham to obtain legislative powers 'of coercion over criminal children, and for enforcing pecuniary 'responsibility on the parents.'

At this Conference of which Miss Carpenter was the originator,

the attendance, was indeed, not large; its importance lay in the practical knowledge and social influence of those present. Three meetings were held — the first on the evening of the 9th of December, under the presidency of Lord Lyttelton, to decide on the resolutions to be proposed; the second on the following morning to develop the plan it was intended to lay before Parliament; and the third on that evening at the Town Hall, to arouse the interest and excite the sympathy of the public. At the second and third meetings the Recorder occupied the chair.

One of the few ladies present was Miss Amelia M. Murray, who for more than twenty years had devoted herself to juvenile reformation. Her interest had been awakened by the perusal of Beccaria on *Crimes and Punishments*. She anticipated some of the suggestions of later workers. Thus to her efforts was due the Infant Felons' Act of 1840, which, revolting as its title may now appear, was a wise and merciful measure. It became a dead letter, however, because the Reformatories essential to carrying it into effect, and of which it contemplated the provision by Government, were never established. To promote the cause she had so deeply at heart she solicited a place about the Queen, and much to her astonishment—not dreaming that she, being then more than forty years of age, should be selected by a young Queen of eighteen for such a post—was appointed a Maid of Honour.

The resolutions adopted by the Conference advocated the establishment of three classes of schools, which it defined as follows:—First, *Free Day Schools*, combining elementary education with some industrial training; second, *Day Industrial Schools*, at which the hours of attendance should be longer, a much larger portion of time should be given to manual employment, and the children should be fed—their parents being compelled to contribute towards the cost; third, *Reformatory Schools*, for the reception of young persons convicted of crime, the parents of the latter class also being compelled to contribute towards their maintenance. No time was lost in presenting to Sir George Grey, then Home Secretary, the resolutions passed at the Conference; and a permanent committee was formed to carry on the work.

The Birmingham Conference formed a great epoch in the progress of reformatory science. 'It was the first national recognition of the sacred duty the country owed to her neglected children—'a hostile power,' said Mr. Hill, when speaking in the Town-Hall, 'which has established itself within our citadel. They 'are almost within hearing of my voice at this moment. Their 'race is perpetuated with our own. They troubled our fathers, 'and, unless we interpose with stout hearts and strong hands, 'they will destroy the comfort and, it may be, work the ruin 'of our children.'[1]

What had been the hobby of a small body of philanthropists was now become a question of grave interest throughout the length and breadth of the land. In May of the next year, one of the most earnest and effective supporters of the cause, Mr. Adderley [now Lord Norton], wrote to Mr. Hill—'I move 'to-morrow for the Committee to enquire into the treatment of 'criminal and destitute juveniles. . . . Do pray come up. And 'give me at once, an outline of the men to be examined, the 'best sources of written information, and the line and drift to 'start upon. We want you terribly now.' After promising to attend the Committee, indicating the various classes of witnesses it was desirable to examine, and sketching the course the proposed legislation should take, Mr. Hill thus defined the character of the children with whom the law would have to deal. 'The perishing and dangerous classes are known to naturalists 'in that branch of zoology by many criteria which escape the 'observation of the world at large. Poverty, which among the 'benevolent rich, is naturally esteemed the principal, if not the 'sole cause, will be found of secondary, or even tertiary impor-'tance; moral destitution being of much greater potency than 'material indigence. Children who, from the force of circum-'stances, have escaped from religious, parental, and social 'restraints, or over whom the parental power exercises a per-'nicious influence, form the bulk of these classes. They fall 'into nomadic habits, and are a herd of savages in the bosom 'of civilized society.'

Writing the same day to the Right Hon. M. T. Baines,

[1] *Report of the First Birmingham Conference.* London: Longmans, 1851.

the Chairman of the Committee, he speaks of the danger of attempting to establish a network of reformatory schools *per saltum* throughout the country, because of the impossibility of finding at once the persons fitted to carry them on:—'Having 'regard to the main object to be obtained by such institutions, 'which is to affect the heart and invert the aspirations from evil 'to good, nothing can be done (except here and there, by accident, 'as it were) unless to a mere official system you add that which 'would be the spirit of the whole—the co-operation of those who 'are drawn by feeling and conviction to take an active part in 'the great work. And I, perhaps, go rather further, than is 'quite implied by the term *co-operation*. I think the voluntary 'workers must have the chief place. . . . It is, however, to be 'clearly understood that the affairs of every school, both financial 'and educational, are to be subject to the rigid inspection of 'the body supplying that part of the funds which arise from 'rates or taxes, *i.e.* the Government.'

Mr. Hill's evidence before the Committee reads like an essay on the causes of crime and the measures necessary for its repression, with a special application to the young.[1] In June 1853, the Committee presented their *Report*. It embodied the principles for which the supporters of the Conference were struggling. Bills were introduced, in both Houses, to carry the recommendations of the Committee into effect. But they came too late for success during that session; and it was resolved to give, during the vacation, a fresh impetus to the movement. 'We 'are going,' writes Mr. Hill to Lord Brougham on November 8th, 'to renew our Conference at Birmingham. We find from the 'sort of men who give in their adhesion what a vast progress 'the principle of reformatory discipline has made in the public 'mind, in the last two years,'—a progress also exemplified by the numerous voluntary institutions for the reception of juvenile offenders which had sprung up in various parts of the country. Among the earliest, was that founded by Miss Carpenter and Mr. Russell Scott, in a building which Wesley erected for a College at Kingswood, near Bristol; but some months previously

[1] *Report of the Committee of the House of Commons on Criminal and Destitute Children*, 1853.

Mr. Barwick Baker, admirably seconded by another Gloucestershire squire, the late Mr. Bengough, had opened his Reformatory. His design was to receive the ringleaders of well-known gangs of boy-thieves, in neighbouring towns, and to break the gangs up by depriving them of their captains. The success of the plan was shown by a rapid diminution of juvenile crime in the county.

Thus encouraged, the promoters of the second Conference issued invitations far more widely than they had ventured to do in 1851. Chaplains, Governors of gaols, Recorders, Chairmen of Quarter Sessions, Magistrates, Clerks of the Peace, indeed all who, through their avocations, had obtained knowledge, either practical or theoretical, on the causes of crime, and means for its repression, were urged to attend. Besides these, amateurs, if possessed of practical knowledge, were invited; and still a third class of guests were bidden, namely those, who having as yet no reformatory information to impart, desired to come as learners.

The Conference opened on the 20th December. A few days before Mr. Hill had been attacked by illness, and his attendance became very doubtful. But again mental interest overcame bodily suffering, and, though extremely feeble, he reached Birmingham on the afternoon of the 19th. Arrived there he was at once in the midst of business. Supporters of the movement came pouring in from all quarters; their position and their number proving the firm hold the subject had taken on the leaders of public opinion. No better tonic could have been offered him. The uphill labour of years was bringing its reward at last. 'I thank God I have lived to see this day,' was his remark when at length he lay down to rest.[1]

[1] The following is from a letter written that night by a daughter:—'No sooner 'was dinner over than our impromptu reception began,—I should say that 'Mr. Adderley had already carried off Miss Carpenter to Hams Hall. First 'came Mr. Sydney Turner, and Mr. David Power [the late Recorder of Ipswich]. 'While they were with us Mr. Earle was announced, just arrived from Oxford. 'Then came Mr. William Rathbone, and Mr. Carter (Chaplain of the Liverpool 'Gaol), Mr. Morgan (the Town Clerk of Birmingham and chief labourer in 'preparations for the Conference); then Mr. Jelinger Symons and his wife, 'and then the Baron de Bode. There had been some uncertainty about 'his having leisure to come as he is just publishing a book, but he told

As in 1851, a morning and an evening meeting was held, presided over respectively by Sir John Pakington [now Lord Hampton], and Lord Shaftesbury. Happily it was no longer necessary to urge reformatory measures upon the country. The principles which should guide legislation were now to be discussed, and the hands of Government to be strengthened in carrying those principles into effect.

During the morning discussion an observation fell from one of the speakers, which seemed to advocate a departure from sound principles in deference to public opinion. Springing to his feet, Mr. Hill denounced this view as false and pernicious. 'We are here to correct public opinion,' he exclaimed. 'Is it in 'this room, which witnessed the beginning of this movement, 'and where two years ago we met, a few of us, shivering in the 'cold of December, not half numerous enough to fill this table; 'is it in this room, I say, we are to be told that we must bend 'to public opinion? No! we must reform public opinion! It 'requires even more reformation than the children of whom we 'have been speaking. It is to this ignorant and cruel public 'opinion that the existence of the vice of thousands of our fellow creatures in prisons, is owing. . . . I am willing to wait 'till public opinion is right, and until the Legislature is right; 'but I will have nothing done, with my consent, that is not fixed 'on sound principles. I would rather have a little genuine good, 'than a large mixture of truth and error. We must look to our 'friends in Parliament, who will, I am sure, appreciate the confi-'dence we have in their sincerity and candour. I thank them in 'my own name, and in the name of this great meeting, for their

'me he should have moved heaven and earth to attend the Conference. 'Then Julian and his friend Mr. Hamilton, Chaplain of Durham Gaol [now 'Archdeacon of Lindisfarne], were shown in. Then came Captain O'Brien, 'an enlightened Ragged-school supporter from Newcastle, and Mr. Oakley, 'Governor of Taunton gaol. Many of these gentlemen —— and I had 'not seen before, and some were unknown to my father; but we have 'long corresponded with most of them, and it was quite amusing, and very 'interesting, to see one after another complete stranger enter the room, with 'whom, directly his name was announced, we felt perfectly at home. My father 'was tired out, and obliged to slip away before our friends left. I came to read 'him to sleep, and, not liking to leave him till certain of the fact (which 'I assuredly am now), I have written this to occupy the time. It is half-past 'twelve, so the long looked-for December 20th is come at last!'

'exertions; I implore them to stand firmly upon the rock of 'principle, and never to tempt the shifting sands of public 'opinion!'

At the evening meeting the Town Hall was crowded to excess; while among the speakers, besides the Chairman Lord Shaftesbury, were Lord Lyttelton, the Honourable Arthur Kinnaird, Lord Harrowby, Mr. Adderley, Mr. Wolrych Whitmore, and the Rev. John Clay, the venerable Chaplain of Preston gaol. Mr. Hill, after playfully alluding to Shakspere's reference to the—'"good "and laudable custom that the citizens should be addressed by '"their Recorder," continued—'Never, during the fourteen years 'I have held that office, have I felt so grateful to my Sovereign for 'having conferred it upon me, as at this moment; not only because 'our town has been the scene of a Conference whose effects will 'live beyond the lives of all around me, but because you, my 'townsmen, have received, with becoming enthusiasm, the good 'and the noble—noble not merely by title, but by nature—who 'have come from the extremities of our island, and from our 'sister island, to aid in furthering the high and holy object 'which has drawn us together. I thank you, and I can assure 'you I feel indeed grateful that I am a native of Birmingham, 'when I find you assembled to do honour and give assistance to 'the great cause which has been urged onward, for so many 'years, with such unwearied perseverance, by these your friends 'and honoured guests. We do indeed owe them a debt of grati-'tude. They have established, firmly and surely, this mighty 'truth—the practicability of reforming the guilty, whether 'adult or juvenile.'[1] Some people, he observed, still held this to be impossible. Describing in humorous terms the course he would pursue to convince them of their error, he seemed—while his tones, rich and clear, made themselves heard in every part of the vast building—as if, in the enthusiasm of long-delayed success, he were playing on the assembled multitude of his fellow-townsmen as upon a mighty organ; touching every stop of human feeling, and eliciting from them, now peals of laughter, now the deep murmur of heartfelt sympathy. 'I could not,' he concluded, 'be silent in the hour of the triumph of a cause

[1] *Report of the Second Conference at Birmingham.* London: Longmans. 1854.

'which has for long years interested my heart, and employed my 'thoughts—a cause in which I have grown grey. I have seen the 'small beginnings of this now glorious and flourishing enterprise. 'I have been met by sneers of utter disbelief: I have been called 'a sentimentalist, and a visionary, for entertaining doctrines to 'which you are now affixing the seal, in this, the capital of the 'midland districts of England.'[1]

Writing to his wife, he says—'We had a glorious meeting. I 'knew it would come, but did not expect it to come in my time. 'It has quite cured me.' For a moment he believed his life's work was ended!

A Bill for the better care of young criminals, based upon the suggestions adopted at the Conference, was brought into Parliament by Mr. Adderley in the next Session. It became law on the 10th August, 1854, under the title of the Youthful Offenders' Act. By its provisions the government of the schools of which it authorized the establishment, was vested in a body of the subscribers, called "Managers;" the power reserved to the Home Office being confined to a veto on the Rules to be framed by the Managers, and by them exclusively. If, however, the Secretary of State shall become dissatisfied with the condition of a school, he may, after notice to the Managers, withdraw the certificate, when they lose all authority and privileges conferred by the Legislature. A clause in the Statute enabled the Government to establish schools of its own; but voluntary effort has prevented the need for such action.

Some of the promoters of the measure feared that it would not prove sufficiently comprehensive. Mr. Hill thought otherwise.

To Mr. William Miles, M.P.

'*Aug.* 22*nd*, 1854.

'. . . You have established three great principles. First, the 'value of voluntary action in the institution and conduct of Re- 'formatory-schools. Secondly, the substitution of reformatory

[1] Sir Robert Peel, who, having arrived too late to take his place on the platform, found a seat in the body of the Hall, wrote to Mr. Hill—'I had an opportunity 'of witnessing the happiest results which accompanied your efforts, in the 'expression of gratitude on the part of many a working man.'

'treatment for retributive punishment as the rule, subject, how-
'ever, to exceptions, which may, or may not, be found necessary
'in practice. Further than this I could not, if I had been a
'dictator, venture myself to go as a first step. Thirdly, you
'have recognized the duty of the parent to maintain his offend-
'ing offspring, and not to cast the burden on the public.

'These, my dear sir, are great principles. Although little
'thought of now by the world at large, I firmly believe that
'their solemn recognition and confirmation by the Legislature
'will be considered in future times to form a great epoch in the
'jurisprudence of this country.

'M. D. HILL.'

To another friend he wrote:—'A more ample measure would
'not have brought out the great voluntary principle in such high
'relief, and that is the principle on which above all others John
'Bull wants instruction—or rather impression, as probably he
'lazily understands where he should vividly feel.'

'We are yet,' he said to the Rev. Sydney Turner, 'and shall
'be, for some time longer, in the tentative or experimental
'stage, and diversity of action in different Reformatories, so far
'from being an evil, is pregnant with useful changes, and is
'essential, I think, to the advancement of our science. Nor
'indeed, do I ever contemplate a stereotyped plan, producing
'absolute uniformity throughout the country. Much must
'always be left, in each case, to the predilections of those who are
'carrying on the work. The particular plan employed may be
'no better, in the abstract, than the one adopted in other districts;
'but if it has been framed by the managers and teachers for
'themselves, it is better for *them* than one imposed upon them
'from without, because it will be carried into operation with
'greater zeal. And this consideration holds good even if the plan
'should be a little inferior to what could be devised for them.
'For, after all, when we have to choose between a perfect plan
'and indifferent execution of it on the one side, and an imperfect
'plan carried into effect with ardour on the other, he must be
'little experienced in human nature who would prefer the former
state of things to the latter.'

The principles which should guide the founders of Reformatory-schools are laid down in the following letter to M. Demetz, who had asked Mr. Hill to indicate to him the points on which he should address an English audience. It epitomizes the Mettray system:—'The principal points which require to be 'pressed upon the attention of benevolent persons who are 'desirous of engaging in the enterprise of reforming young 'criminals, appear to me to be these.

'1st. That the task is essentially difficult, and will tax 'the intelligence, the zeal, and the patience of those who under-'take it; but that, if prosecuted in a right spirit and with perse-'verance, success is certain. Not that every juvenile offender 'will be reformed, but that a large proportion will be reclaimed.

'2nd. That the spirit which must pervade the whole work is 'that of Christianity, kindness, forbearance, or in other words 'of charity, but there must be no false indulgence.

'3rd. That the three great lessons to be taught are religious 'convictions, industry, and self-control.

'4th. That industrial occupation must be the basis of reforma-'tory training, and that agriculture possesses many advantages 'for this purpose; but that as agriculture does not suit all tastes, 'it is necessary to give the youth some choice among the handi-'craft trades.

'5th. The immense importance of good teachers, and the 'advantage of training them for their special duties.

'6th. The necessity of beginning any institution with but few 'pupils, and of extending it very gradually.

'7th. The family principle; what it is, and its importance. '*Nota bene.* There is great danger of the English falling into the 'mistake of erecting barracks for Reformatories.

'8th. The advantage of gradually preparing the pupil for the 'change which he must experience, when he leaves the Reforma-'tory, by gradually relaxing all coercion over him, and letting 'him exercise, to a considerable extent, the power of self-govern-'ment.

'9th. The system of "patronage" and its great importance.'

Patronage, here used in its French sense, signifies friendly supervision of discharged prisoners, and needful aid to them.

All who had assisted to obtain the Youthful Offenders' Act—"the Magna Charta," as Mr. Hill called it, "of the neglected "child,"—were agreed in its ultimate object, the conversion, namely, of the child into an honest and useful member of society. But upon one point serious diversity of opinion still existed among them. One party held that a crime committed involved sin, which must be expiated by suffering, inflicted as retribution, before reformatory treatment should begin. The other, to which Mr. Hill belonged (and he regarded this fundamental principle as applying to the adult equally with the child), while maintaining that reformatory treatment involves of necessity much suffering, held that to inflict pain simply as an atonement for sin, is beyond the scope of man's jurisprudence. The object of all criminal discipline is the diminution of crime: and that method must be pursued which will most effectually attain the end in view. That method Mr. Hill declared to be reformatory treatment.

The retributionists obtained an expression of their views in a clause of the Act which requires that the child shall pass fourteen days in prison, before he is eligible for the Reformatory.[1] But transition from the prison to the school is a step upward, and therefore an object of desire to the child; and thus a short detention in a well-ordered gaol came to be regarded by those adverse to the clause as, in so far, not inimical to the reformatory process. In the course of years, however, an unfortunate consequence in regard to one sex, unthought of by either party, has revealed itself. Lads brought up in Reformatories are, by having been in gaol, prevented, under the existing regulations of the army and navy, from entering those forces; and are thus cut off from a career often peculiarly desirable for them.

Mr. Hill was now relieved from the revolting duty of condemning children to imprisonment. 'I give a brief Charge,' he writes to Lord Brougham, 'commenting on the Youthful 'Offenders' Act, over which some of our friends chant the *De pro-'fundis*, while I shout *Te Deum!*' After remarking in his Charge that Acts of Parliament of which the influence is to be deep and

[1] In the Amending Act of 1877, this provision is altered to detention for "ten "days or longer."

lasting, are frequently passed with little discussion in either House, and with less observation from the public, he continues —'Gentlemen, it is not an easy thing to fix upon that class of the 'community which ought most to rejoice over this revolution. 'The mind naturally turns first to the poor children themselves, 'the objects of the new enactment. But, if language did not fail 'me, I would ask to speak for the ministers of justice; and I 'would attempt to convey to your minds a due appreciation of the 'boon conferred upon us, in our release from the odious task of 'inflicting pain, to be followed not by good but by evil. What 'is the waste of gold, or of precious stones, or of any earthly 'treasure, compared to the waste of human suffering? If it 'savour of presumption for erring man deliberately and by law 'to inflict pain upon his brother (as it assuredly would do were 'it not justified by absolute necessity), how awful is the duty 'cast upon him to look well to the consequences of such in-'fliction, and to abstain from any unprofitable exercise of this 'fearful prerogative, as he would abstain from self-destruction! 'Can we, then, who preside in Courts like this, be too grateful 'that we are no longer to be the agents of these absurd and 'cruel visitations?'[1]

'The very name of Mr. Hill,' said the *Times* on this occasion, 'will be a sufficient guarantee for all that true charity of 'feeling which philanthropy suggests, and that soundness of 'views to which nothing but experience can lead. His antici-'pations may possibly be too sanguine, and his zeal occasionally 'too fervid, but he has seen too much to be easily deluded, and 'it is saying not a little for any measure connected with the 'administration of criminal justice that it obtains his cordial 'approval.'

[1] *Repression of Crime*, pp. 336-7. Lady Noel Byron occupied a seat by the side of the Recorder, during the delivery of his Charge. An earnest labourer, sparing neither her purse, time, nor talents in the cause of education, particularly as regards the humbler classes, she also warmly sympathized in the reformatory movement. At the first Birmingham Conference she had offered a prize of 200*l.* (of which Mr. Hill was one of the adjudicators) for the best Essay on the "perishing and dangerous classes." The award was made at the second gathering, when two of the Essays sent in having been found of equal merit, she added 100*l.* to her original gift, and the successful competitors, the late Miss F. C. Cornwallis and the Rev. Micaiah Hill, each received 150*l.*

It will be remembered that the promoters of the first Birmingham Conference recommended the establishment of three kinds of schools for the children under consideration. The Youthful Offenders' Act was followed, in 1857, by a second measure, authorizing the establishment on similar principles of Industrial-schools, with one essential difference; for, whereas a term of imprisonment is indispensable before admission to a Reformatory, the Act of 1857 expressly forbids the Managers of the Industrial-school to receive any child who has ever been committed to prison. This institution forms, so to speak, a finer sieve than the Reformatory, and catches the children either before they have committed crime at all, or at so tender an age as would make the infliction of imprisonment revolting. By a clause in the Act *Day*-boarders could be received into Industrial-schools, but, probably from the difficulty of mixing the two classes, this provision was rarely, if ever, put in force; and when, in 1866, the Act was amended, it dropped out.

The young criminal had now been provided for, and also the intermediate class about to enter on the paths of crime, but the needs of the simply "neglected child" remained unsupplied; the child, namely, who has not been convicted of any breach of the law however slight, 'who'—as Mr. Hill described him—'has the means of subsistence furnished to him by 'parents, or those who stand to him in the relation of parents. 'True, it often is that his meals are precarious, and that his 'habitation is far below what could be wished either as regards 'health or decency; but with all these drawbacks he is above 'the position which renders it advisable, either as regards 'the State, or' as regards himself, to convert him into a 'pauper, and throw the burden of his maintenance on the 'ratepayers, to the exoneration of his natural guardians.'[1] For this class the authors of the Birmingham Conference designed the Free-day-school. It was not to be denied that Ragged-schools had already done something to meet the want; but as these were almost entirely dependent upon voluntary contributions they could not efficiently perform the task.

Though the instruction given to scholars of this description be

[1] Charge to the Birmingham Grand Jury, October 1860. Arrowsmith: Bristol.

of the most elementary kind—and nothing more should be attempted—yet such schools entail considerable expense on their supporters. 'The teachers,' said Mr. Hill, 'male and 'female, must have peculiar and somewhat rare qualifications. 'They are not required to be either mathematicians or linguists. 'Their knowledge of geography may, perhaps, be limited and 'superficial. It is, however, desirable that they should speak 'and write their mother-tongue after the manner of educated 'persons. They should be able to practise, and to teach, 'a legible hand-writing. They should be quick at figures, 'and competent to make their scholars as quick as themselves 'in solving the problems which arise in humble life. But 'all this does not go to the root of the matter. They must be 'of a patient, child-loving nature. They must possess the gift 'of influencing the hearts of their young flocks, so that not only 'must they love, but they must inspire love towards themselves. 'Furthermore they must be numerous.'[1]

In January 1861, a third Conference was held at Birmingham, to urge the claims of Free-day or Ragged-schools to aid from the State. The invitations were issued in Mr. Hill's name. 'We have been called together,' he said in his speech, 'to do 'our best to bring the little outcast back into the brotherhood 'of mankind.' The arguments he adduced to prove that it is wiser and cheaper in the State to bear the cost of the education of the child whose parent will not perform that duty himself, than to allow it to grow up in ignorance, are now so universally acknowledged that it is unnecessary to quote them here; but in 1861, and for many succeeding years, the public mind refused to accept what it now considers a truism. 'Doubtless,' wrote Mr. Hill in the same year, 'if such parents 'could be efficiently coerced by law, their children would be 'removed from the Ragged-school class, and thus an important 'diminution of that class would be made; but until some such 'law passes the Legislature, and—what is even more to the pur-'pose—is carried into operation with success, the children of such 'culpable parents must either be cared for as a part of the 'Ragged-school class, or the State must be content to see them

[1] *Ibid.*

'grow up, not indeed without education, but with a training to 'evil instead of to good; and the State must accept all the 'burden of evil and cost which its inaction entails.'[1]

But it was not until the passing of the Elementary Education Act that legislative provision was made for the neglected child. Even this measure fell short of the full scope of the Birmingham scheme, and its working showed that there remained a class, though happily not a large one, whom it did not reach. These are the squalid, half-starved little creatures, described by Mr. Hill, who neither can or ought to attend the schools used by the children of respectable working men and women; who are as yet neither paupers nor criminals, though certain to fall under one of these categories unless dealt with in schools specially adapted to their needs. At last this truth has been admitted. When the Elementary Education Act was amended in 1876, a clause (mainly due to the indomitable perseverance of Mary Carpenter) was inserted, which authorises the establishment by voluntary effort, and also by School Boards, of *Day*-industrial Feeding Schools, on similar principles to those on which Reformatory and Boarding-industrial schools are based. Thus after the lapse of a quarter of a century has the programme of the Birmingham Conference of 1851 been at length fulfilled.

[1] Letter to the Right Hon. Sir Stafford Northcote, M.P., Chairman of the Select Committee of the House of Commons, on the Education of Destitute Children; printed in the *Report*, 1861.

CHAPTER X.

THE REFORMATORY MOVEMENT—ADULT OFFENDERS.

Reformatory Movement Continued—Adult Offenders—Sympathy with the Young —More needed for the Adult—Mackintosh—Multitude of Capital Offences —Lord John Russell—Revolution in Public Opinion—Certainty of Punishment more Efficacious than Severity—Retribution *v.* Reformation—Transportation Abandoned, except to Western Australia—Science of Prison Discipline —Bentham—Millbank—The Gaol Acts—Mrs. Fry—Prison Inspectors—Separate System—Pentonville—Mr. Hill's Views—"A Pound of Punishment for "a Pound of Crime"—Incapacitation or Reformation—Failure of Deterrents —Rev. John Clay—Captain Maconochie—Archbishop Whately—"Marks, "Marks, Marks!"—Appeal to Higher Motives—*Draft Report on the Principles of Punishment*—Reformatory Process inevitably Painful—Mr. Pearson's Lectures—Criminal Outrages—Charges of 1850 and 1851—"Birmingham Draco" —Penal Servitude Act, 1853 — Its Maladministration — Tickets-of-Leave — Their Unpopularity — Committee of the House of Commons — Prisons of Munich and Valencia—Captain Crofton—The Irish Convict System—Paper at Social Science Congress—Prisons in Victoria—Garotting Panic—Royal Commission—Act of 1864—Assimilation of English to Irish System—Prisons Act, 1865—Winchester Gaol—Habitual Criminals and Crimes Prevention Acts—Photography in Prisons—Registration of Criminals—Police Supervision —Discharged Prisoners' Aid Societies—General Decrease in Crime—Prisoners for Life—Adult Reformatories—Time Sentences.

DURING the period dealt with in the last chapter, the amelioration of the criminal law in regard to adults had not stood still. But its line of progress, though the goal was the same, was necessarily distinct from that pursued in behalf of the juvenile delinquent; while the rate of advance of the latter was much more rapid. The reason is not far to seek. 'Providence has endowed children with a 'potent influence upon our sympathies,' said the Recorder of Birmingham in his Charge on the Youthful Offenders' Act; 'but as they advance to manhood the talisman drops from 'their hands. As, then, public opinion is more easily won

'over when approached by sentiment than by argument, it 'was wise on the part of the philanthropist to put into the 'front of the battle the cause of the young, and to keep back 'that of the adult until vantage-ground had been secured.'[1]

In the necessary division of the subject a similar course has been adopted now, but before returning to the date from which departure was taken, Mr. Hill's plea for the stronger claim of the adult upon our sympathy, may be cited. 'The little outcast 'of tender years,' he continued, 'standing at a criminal bar, 'over which he can scarcely lift his eyes, becomes, upon the 'instant, and without time being given for thought, the object 'of our compassion. But suppose years to pass away; suppose 'him still to remain the creature of ignorance and abandon-'ment; all this time will evil habit be doing its work—slowly 'but surely reducing him to a slavery hopeless of redemption. 'Let us now suppose the period of life to have arrived when 'appetites and passions, which had slumbered through his 'adolescence, awake to urge him on to his ruin, with a force 'which his unhappy training has deprived him of all power 'to resist, even if the desire for better things should still 'survive. Is such a being, I ask you, Gentlemen, less an 'object of commiseration to the thoughtful Christian, than is 'the neglected child? And if, as it has now been solemnly 'admitted, the community is bound to take charge of the child, 'with the intent to reform him, can it be relieved from that 'responsibility by permitting him to remain in his vicious 'courses until he grows up to be a man? Surely, if by our in-'difference we have sinned against the youth, so far from 'expiating our offence we double it, if we persist in our apathy 'until he is mature in years as well as in crime.'[2]

When Sir James Mackintosh, who filled the place left vacant by Romilly, began his labours, the offences punishable by death exceeded one hundred and fifty.[3] This awful catalogue, gradually

[1] *Repression of Crime*, p. 337. [2] *Ibid.*, p. 338.

[3] On the death of Romilly, Mr. Hill had written in reference to criminal reform — 'It is peculiarly unfortunate, that just as the public eye seems 'turning towards so momentous an object, he who was best fitted to attain it, is 'taken from us: but let us not repine; it may be that arguments and facts 'neglected while he who urged them was considered a rival, and an opponent,

diminished by numerous repealing Acts, was, in 1837, under the auspices of Lord John Russell, then Home Secretary, reduced to twelve.[1] Indeed, so complete a revolution has taken place with regard to severity of punishment that it is now hardly possible to conceive the state of public feeling in which such passages as the following could appear in the daily prints, without exciting one word of comment. The *Times* for March 2nd, 1820, records that—'on Tuesday the [Old Bailey] Sessions closed, 'and sentence of death was passed on twenty-seven prisoners.' Their offences were burglary, cattle-stealing, privately stealing, house-breaking, stealing in a dwelling house, forgery, and returning from transportation—murder, it will be observed, was absent from the list. The same journal for the 18th says—'the Essex 'Lent Assizes finished on Friday. Twenty-one prisoners received 'sentence of death.'

Capital punishment is now affixed by law to only two offences—high treason and murder. Practically, it has been, for many years, limited to the latter; and so great is the public distaste to its infliction that a murderer, however heinous his crime, is now rarely condemned to death without some persons coming forward to advocate a commutation of his sentence.

In 1833 a Bill was carried to abolish capital punishment for robbery in a dwelling-house. The change was rather nominal than real, but not therefore the less important. Public sentiment was already inclined towards leniency, and the severity of this law rendered it almost inoperative; injured parties declined to prosecute, and juries avoided convicting. Meanwhile crimes increased, for there was no choice of penalty, and the growing dislike of capital punishment gave immunity to the offender.

Mr. Hill was at this time in Parliament. Though sharing the opinion expressed by previous speakers, in the debates upon the measure, that the whole penal code required amendment, espe-

'will have their just weight upon the mind, now death has allayed the feeling 'of hostility. Let us indulge this hope; it will be a consolation to us to think, 'that even by his death, the patriot hastened the time when the lives of his 'fellow-creatures should no longer be sacrificed to a barbarous and useless policy.' —*Birmingham Argus*, November 1818.

[1] In 1834, 480 persons were sentenced to death; in 1838, 216; in 1876, 32—on 10 of whom sentence was not carried into execution.

cially with regard to capital punishment—which he indeed would have abolished altogether—he was yet eager to secure even an instalment of better things. 'The object of punishment,' he said, 'is to diminish crime. Capital punishment—deserved 'or undeserved—has not that effect, but in many instances a 'directly contrary one. All that we have to ask ourselves is 'this,—Does the punishment of death decrease the number of 'offences? If it does, you are bound to adhere to it. But if, on 'the other hand, it can be proved that the severity of our crimi-'nal code is a much greater evil to the people at large, who are 'to be protected, than to the guilty who are to be punished, surely 'we ought to avail ourselves of every opportunity to mitigate it.' Holding this thesis to have been proved by Romilly and Mackintosh, he urged recourse to penalties less severe in appearance, but more certain in execution; and referred to all experience both in England and abroad, in proof of the superior efficacy of a small certain punishment over an uncertain large one.

The mode of ridding the country of felons, which eventually attained such large proportions and acquired so evil a notoriety under the name of "transportation," began, as far back as in the reign of Elizabeth, by simple banishment, which left the offender to choose his place of exile. This was superseded by compulsory transportation, first to our West Indian and American "Planta-"tions," and afterwards to the Australian continent.[1] Thus, it was believed, had been discovered a complete solution, so far as the mother-country was concerned, of the problem how successfully to deal with her criminal population.

Until 1718 transportation to America had been commonly employed as an alternative for hanging, but it was then constituted a penalty for certain specified offences. To its stoppage, caused by the War of Independence, the "hulk-system" is due. This, though begun only as a temporary expedient, was, notwithstanding its indescribable horrors, maintained for nearly a century, and was finally abolished in England only in 1856. The hulks, however, were soon felt to be unsatisfactory; and proving, moreover, utterly inadequate to accommodate the number of convicts

[1] Interesting information upon transportation to the West Indies will be found in *The Young Squire of the 17th Century*, by J. C. Jeaffreson. London 1877.

under detention, transportation to Australia commenced in 1787. The exchange of the convict's condition for that of a free man, occupied in honest industry, was the theory on which the colony was founded: and for many years all seemed to go well. Disastrous effects, however, began to show themselves. Rumours reached England that the convict element was leavening the whole population, while the power exercised by employers resulted sometimes in terrible cruelty to the convict servants. Inquiries instituted by the mother-country led to the discontinuance of transportation to Sydney. In Port Philip and Tasmania it survived yet for ten years, when they also refused longer to bear the hideous burden. Except in regard to the small number of prisoners Western Australia could receive, transportation in the year 1852 came to an end; and this outlet was closed for ever against our felons. England had now suddenly to deal, within the narrow limits of her own shores, with a vast and growing army of malefactors; for, heedless of the repeated warnings given by the increasing repugnance of the Colonies to transportation, she had provided no substitute for this hitherto facile method of disposing of what was then regarded as her moral sewage. To grapple with the difficulty the Penal Servitude Act of 1853 was devised, imposing imprisonment with hard labour, for a period varying from three years, to life.

From the time of Howard the science of prison discipline has occupied, in a greater or less degree, the attention of individuals, of local authorities, and, more especially of late years, of the public at large. To give effect to their proposals schemes have been devised, and laws made; while prisons have been built —sometimes at enormous cost — for the improvement, both physical and moral, of their future inmates. Blackstone was the fellow-labourer of Howard. Bentham devoted years of his life, and much of his fortune, to designing his Panopticon, which he intended to build on the site afterwards occupied by Millbank Prison; and, though he failed to accomplish his object, ideas cast abroad by him took root and fructified. The Gaol Act of 1823 amended the state of the county prisons; one of its provisions, which placed female prisoners under officers of their own sex, was due to Mrs. Fry. But the improvements it em-

bodied were only partially adopted even in that class of gaols; those in towns and boroughs were not brought under its operation at all, till 1837. An Act passed in 1835 had meanwhile empowered the appointment of Prison Inspectors, who were to present an annual report to the Home Secretary. 'A century since, William Hay's Committee had urged the 'necessity for such officers,'[1] wrote the late Rev. Walter Clay; 'Howard had strenuously pressed a similar demand, and almost 'every prison reformer after him had pronounced them abso-'lutely indispensable. The Irish prisons had already, for ten 'years, had the benefit of two official inspectors, and conse-'quently the discipline in them was far better and more uniform 'than in English prisons.'[2] The first report of the Inspectors for the Home district, Mr. Crawford and the Rev. Whitworth Russell, appeared in March 1836. It exposed the revolting state of Newgate, and doubtless aided the passing of the Act, in the next year, which assimilated the legal status of borough to that of county gaols.

The evil of herding prisoners together had already been recognised in England. During the latter part of the last century several county gaols, says Mr. Clay, had been built on the separate plan. Among these, some few, notably those at Horsham and Gloucester, had been so well managed under the supervision of enlightened magistrates, that they had attained to considerable success, not only in improving the conduct of their inmates during incarceration, but also after restoration to liberty. The system, however, from various causes appears to have fallen into abeyance many years before the passing of the Separate-system Act, of 1839.[3] The sanitary condition of our prisons had for some time been undergoing improvement; and attention was being given to the education, both secular and religious, of their

[1] Hay was returned to Parliament for Seaford, in 1733. His views on prison discipline were far in advance of his age.

[2] *The Prison Chaplain: a Memoir of the Rev. John Clay, B.D., Late Chaplain to Preston Gaol*, by his son. Macmillan & Co., London, 1861. The book is dedicated to Mr. Hill.

[3] This was a permissive measure. It encouraged, but did not compel the keeping of prisoners apart. Still many gaols were, as time went on, built to carry its provisions into effect; that at Pentonville, intended as a model, was opened in 1842.

inmates. But a discipline calculated to prevent these, when liberated, from again preying upon society, was scarcely yet in existence.

Such was the position of criminal jurisprudence when Mr. Hill was appointed to the Recordership of Birmingham. His creed in regard to what may henceforth be esteemed the main enterprize of his life, was simple.

1st. The object of criminal jurisprudence should be the repression of crime to the lowest possible amount; the treatment of the criminal being a means to that end, not an end itself.

2nd. With retribution for sin, man, in regard to his fellow-man, has nothing to do.

3rd. Punishment, used solely as a deterrent, being often futile, at the best insufficient, and always uncertain in effect, two methods alone exist of preventing crime by penal means—namely incapacitation or reformation.

These articles of his faith he has elaborated in a letter to Mr. Adderley. 'I have long ago formed the opinion that the origin 'of all our errors in punishment, is the tenacity with which we 'cling to the principle of retribution. Many of your remarks 'lead, in my mind, towards a great truth, which is, that retribu- 'tion demands omniscience for its Dispenser. Who but the 'Searcher of hearts can separate and distinguish between the 'promptings of a sinful nature, and the tyranny of circumstances? '. . . Doubtless if our rough measurement of retribution were 'found by experience to be the best mode of repressing crime, 'we should be justified in our perpetual attempts to weigh out a 'pound of punishment for a pound of crime. But the experience 'of ages has told me that, to our limited faculties, crime and 'punishment have *no* common measure; that our course of 'proceeding is almost as vain in practice, as it is absurd in 'theory; and that, in truth, there remain for us but two 'modes of usefully dealing with criminals—*incapacitation* and '*reformation*.

'Under incapacitation come capital punishment, and im- 'prisonment—while it lasts. The first can scarcely be used at 'all; and even in the rare cases in which it is applied it is barely

'tolerated, and may be swept away at any moment. The second 'would revolt public feeling if continued for any great length of 'time, unless it could be shown to be desirable for the good of 'the prisoner himself. Hence we are driven *nolentes volentes* (but '*volentes* I hope) to reformatory treatment; and hence the public 'will be driven—but not before the grass is green over my grave '—to entertain as a practical question the propriety of keeping 'prisoners until they are reformed, even if their lives should 'come to an end before the experiment is successful. Or, to sum 'up in a few words, the incapacitating punishment should not 'be withdrawn until the principles and habits of the prisoner 'are such as to preserve him from crime.'[1]

Of deterrents, he says to the same friend in a published letter, —'The maxim, *metus ad omnes, poena ad paucos*, commends itself 'as a most specious offer. It proposes by acting on a few to 'influence all, confining acute suffering to those few, and 'only producing on the multitude a wholesome dread of in-'curring a like penalty. Such an offer at once engages our 'kindly feelings, and falls in with our admiration of powerful 'effects produced by slight causes. That every stroke on the 'shoulders of a thief should scare thousands of outstretched 'fingers from diving into honest men's pockets, and save the 'owners of those fingers from pain and disgrace, would be a 'state of things very agreeable to contemplate, if we could 'forget that it is, for the most part, only a creation of the 'fancy. Deterrents have a certain degree of power beyond all 'doubt; and that the power, such as it exists, is of the kind 'indicated by the maxim, is also freely admitted. But each 'expedient which that maxim suggests has been tried in every 'possible form; and the state of crime in all ages, and in all 'countries, abundantly supports me in asserting that deterrents, 'however used, whether in large or small doses, whether at once, 'or with repetitions extended over a long period, are but weak 'agents, and cannot be relied upon for an efficacious repression

[1] Writing to Mr. Cobden, he says 'criminal jurisprudence will halt and 'limp, until the public be brought to admit that, unless a man can conduct 'himself well out of prison, it is not less for his own interest than for that of the 'community, that he should remain within its walls.'

'of crime.'[1] In this tract, (which is reprinted in full in *Repression of Crime*) the inherent weakness of deterrents is shown with remarkable force and clearness; and the author illustrates his argument with a variety of interesting facts. He instances the many callings in this country of so unhealthy a character that whoever pursues them is cut off in the prime of life, and yet for which candidates are never wanting. One of the examples cited is that of the Cornish miners. Among their employments are two occupations in particular, one healthy, the other most deleterious, all who pursue the latter dying at an early age; and the difference of wages between long life and premature death is only half-a-crown a week! 'I am fully convinced,' wrote the Rev. John Clay to Mr. Hill, 'by what I have seen and learned 'during my thirty-two years' chaplaincy, that though efforts to '*reform* a prisoner may sometimes fail, attempts to *deter* him 'from crime very seldom succeed, and certainly never make him 'a really *better* man.'

Dissent from existing methods of prison discipline had prepared Mr. Hill's mind to accept with eagerness a system, in theory perfectly adapted to the repression of crime, and supported by evidence of its success in practice. In 1845 Captain Maconochie returned to England from the Governorship of Norfolk Island.[2] There he had been an innovator of no

[1] *A Letter to C. B. Adderley, Esq., M.P., on his Review of the Charge of the Recorder of Birmingham, on the Subject of Tickets-of-Leave.* London: J. W. Parker & Son, 1856.

[2] Alexander Maconochie was born in 1787, and distinguished himself in the navy before the Peace closed the door to further advancement. Invited by Sir John Franklin when appointed Governor of Van Diemen's Land, to accompany him as Secretary, Maconochie was asked before his departure by a deputation of the Prison Discipline Society, to correspond with them on the management of the prisoners in the Colony. The opinion he formed of that management was unfavourable. To use his own words—'as a reformatory system, or as the basis of a future 'state of society, nothing could be worse.' The reports he sent home were accompanied with a scheme by which he believed the evils he witnessed might be remedied; this he first called the "Social System," for which he afterwards substituted the well-known name of "Mark System." Eventually his communications found their way to the Colonial Office, and two years later Norfolk Island was placed at his disposal for the purpose of experiment. He objected that as the receptacle for the worst, and, as it was supposed irreclaimable, convicts, under sentence for new offences in the Colonies, the Island was most unfavourable to success. Moreover, shiploads of men were being sent out from England for him to deal with, and as he was prohibited from employing the Mark System

common magnitude, and innovators, generally misunderstood, have scant chance of fair play. He had been fatally hampered in carrying his plan of penal discipline into effect; and even the favourable results he had, nevertheless, obtained, were disputed. Mr. Hill, enjoying close personal intercourse with this remarkable man—in enthusiasm and wealth of expedients equal to Demetz himself—quickly recognised his profound knowledge of reformatory science. Careful inquiry long pursued, confirmed the opinion early arrived at, that his plan contained the key of the fortress of crime. Maconochie's views Mr. Hill thus summed up:—'Begin to reform the criminal the moment you get hold of him; '*and keep hold of him until you have reformed him.*' The leading features of the scheme were,—First, an appeal to the prisoner's higher instead of his lower nature. Second (in which its author had been preceded, though unknown to himself, by Archbishop Whately), the regulation of the prisoner's detention, not by the almanac, but by his own conduct: thus Maconochie recommended that for sentences to a fixed period of imprisonment should be substituted sentences to a fixed amount of labour. This he proposed to measure by marks, and hence the name given to his system. The number to be earned was to be appointed by the Judge on passing sentence, and the prisoner's liberation was to be obtained solely by his possession of that number.[1]

with the Colonial prisoners, he would have to govern the two classes, side by side, under entirely different regulations. To avoid so dangerous an element of discord and failure he asked to be allowed to make his experiment on a small scale, in some retired spot in New South Wales. This, however, was refused, and in 1840 he proceeded to Norfolk Island. He found it a hell! 'Let a man be what he 'will,' said an old convict, 'when he comes here he is soon as bad as the rest. 'A man's heart is taken from him, and there is given to him the heart of a beast!' Under Maconochie it became a well-ordered community; and before he departed, proof had thickened upon proof of the power of his system to make men 'cease to do evil,' and 'learn to do well.' Captain Maconochie was, for two years, Governor of Birmingham Gaol. He died in 1860.

[1] The Governor of Millbank Convict Gaol has testified emphatically to the stimulus to industry and good conduct which marks afford, even when limited in application. In a long passage upon this subject he says:—'Marks, marks, marks!—these are in truth the subject of a convict's dreams, 'and of every waking thought. He jealously guards what he has got, and as 'strenuously he seeks to add to his store. . . . . The impetus thus given

Marks, however, Maconochie devised not only as the price of the prisoner's freedom, but to supply a currency during incarceration. One of the grand principles upon which he relied as a reformatory agent lay, as has been shown, in placing the prisoner's fate in his own hands. But the period of imprisonment was to be rendered, meanwhile, a period of moral training, wherein motives of action should be implanted, and habits cultivated, the lack of which had brought him into crime—a time of preparation, in fact, for the right use of his freedom when he should have regained it. Not only was a love of industry to be created, but self-control was to be taught, and a sense of the duty which each member of the community owes to the rest was to be awakened, and made paramount over selfish desires. A variety of influences to this end were suggested by Maconochie, all tending to create a manly and self-reliant spirit. A few only can be here enumerated. His plan abolished gratuitous prison rations, the prisoner paying with marks for the food he ate. Some variety in quality, and consequently in price, was permitted, that he might exercise discretion and self-denial in choice. Fines were also paid in marks. That family ties might not be broken and their ennobling influence thereby lost, Maconochie further desired that the prisoner should have the option of contributing to the support of his wife and children, stinting himself to this end, or submitting for their sakes to the longer term of imprisonment which expending a portion of his marks in their behalf would necessitate.

After the first stage of detention (passed in separation), the prisoners were permitted to associate themselves—under a system of mutual responsibility—in small groups, each member of which became a guarantee for the good behaviour of his companions, and suffered or benefited by their conduct. Maconochie thus overcame the selfish influence of ordinary imprisonment; and found this appeal to generous feeling the most powerful agency in his possession for giving an upward

'to intelligent industry, and to cheerful alacrity, only those who are in daily 'observation of it, can fully appreciate.'—*Memorials of Millbank.* Henry S. King and Co.

direction to public opinion among the depraved community he had to deal with in Norfolk Island.

In 1846 a Committee of the Law Amendment Society drew up a *Report* upon Captain Maconochie's plan. This is also referred to in the *Report upon the Principles of Punishment*, which in the same year Mr. Hill prepared at the Society's request, and in which he expressed his satisfaction that the Government had resolved to act upon it to some extent. Having urged in his *Report* the acceptance of the idea that crime must be regarded as disease, and penal treatment as moral surgery, he recognised the growing disposition of all practical persons who were devoting their attention to the diminution of crime—whether officially or as volunteers—to seek, as by a common instinct, that diminution through the amendment of the individual himself, rather than through the example which his punishment may hold out to others. He further maintained that if reformation were the only object in view, and if the duration of imprisonment were made to depend on the attainment of this object, the numbers of the reformed would bear a very large proportion to the total number of prisoners. This proportion, indeed, would be so large that the small remainder might, without any shock to public opinion, be detained indefinitely, on a similar principle to that on which lunatics are kept under restraint. In the case of lunatics, that restraint is only withdrawn when the patient is relieved of his malady; and just as such detention confers benefit both upon the lunatic and upon society, so would it be in regard to the criminal. But eager to avoid delay in securing some at least of the benefit to be anticipated from the adoption of a philosophical system of criminal jurisprudence, he points out a compromise by which a portion may be at once obtained. 'It is by no means neces-'sary,' he says, 'to the practical adoption of the reformatory 'principle, that it should be carried into extremes. Every sen-'tence might still be for a term of imprisonment measured by 'time, if that term were always made of sufficient length to 'enable every prisoner to work his way out of gaol, by conduct 'and industry, before its expiration.[1] The consequence of this

[1] A tentative approach to indefinite sentences, similar to that indicated by Mr. Hill, has recently been embodied in the Act constituting the State

'arrangement would be that resistance to reformation would 'only postpone the liberation of the prisoner for a time certain, 'and not for an indefinite period.'

Answering the objection of those who believe in deterrents that reformatory treatment would have no effect to deter, the *Report* continues:—'The economy of a prison soon becomes known to 'the class who are likely to be its inhabitants; therefore as far as 'example does operate, that afforded by the subjection of their 'comrades to a process of reformation which will never let go 'its hold upon them until the end be accomplished, would be 'more potent for warning than any which has hitherto been held 'up before their eyes.' As he has elsewhere remarked, until some chloroform for the mind shall be discovered, reformation must always be a painful process, when the causes of crime are kept in view. These causes he enumerates as 'ignorance or 'perversion of moral and religious truths, impatience of 'steady labour, intemperance, and, lastly, that absence of the 'power of self-government which leaves the individual at the 'mercy of evil companions, and a prey to the slightest tempta-'tion. Consider, then,' he continues, 'what a conflict between 'old vices and new duties instantly begins—what a revolution 'in all the prisoner's thoughts and actions! From habitual indo-'lence he passes to severe and long-continued labour; from sen-'suality to rigid abstinence; from riotous mirth, drowning reflec-'tion by day and by night, to hours of solitude, to the absence of all 'gaiety, and to a sustained sobriety of demeanour when associated 'with others. This picture would, however, be much more vivid 'if we could see it with the eyes of the criminal. . . . Let him 'have his choice, and I am persuaded that the chains, the filth, 'and the pestilence of our former prisons, left as he was in the 'days of those abominations to the indulgence of many of his 'worst habits and even of his most odious vices, would not

Industrial Reformatory of Elmira, United States. This establishment is a prison for young male adults under sentence for a first offence. The sentence passed is not to any definite period of detention; and the authorities are empowered to retain the prisoner for the maximum term affixed by the law to his offence, or to release him whenever in their judgment this can be done without peril to society. In case of violation of the conditions of discharge they have power to re-imprison until the maximum term is fulfilled.

'possess one half the deterrent power over his mind that would 'be exercised by any reformatory system deserving the name.'[1]

If it be granted that deterrents possess little power over the hardened offender, the suffering which they inflict upon another and still larger class of the inmates of our prisons is, as the author goes on to show, absolutely thrown away. These are not depraved in principle, and would honestly support themselves if they could; but some have learned no trade, and all are deficient more or less in the power of self-control. Pain can neither teach the requisite skill by which the individual may provide for his wants, nor furnish him with the habits necessary to turn his acquirements to good account. By reformatory treatment alone, then, can such persons, or society, be permanently benefited.

This *Report* was published by the Law Amendment Society, but with some modifications. Though marking a great advance on the views until recently almost universally held, it yet departed to some extent from the principle of reformation, *i.e. reformation alone*, which its author had laid down. He published, therefore, his *Draft Report* in its original form, with "Supplementary Observations." In this he states his conviction that any admixture of a foreign principle would be fraught with mischief, by keeping prisoners, and those who have the care of them, in a state of mutual hostility—or if not of actual hostility, in a frame of mind very different from that hearty co-operation which, he believed, might be induced in a majority of cases, if it could once be generally felt and understood that a prison is only another name for a "moral hospital."[2] Mr. Hill, in a letter written long afterwards to his friend Mr. Wheatley Balme, says:—'Punishment, when it means pain 'administered for example, for retribution, or for retaliation, is in

[1] In his *Report* for 1844 the Inspector of Prisons for Scotland shows that the apprehension lest the cleanliness and order of the modern gaol should be attractive to the criminal class is without foundation.

[2] *Draft Report on the Principles of Punishment.* London: printed by Clowes and Son, 1847. In her story of *Orlandino* Miss Edgeworth represents one of the characters, an old gentleman, as so interested by a passage read aloud from this *Report*, illustrative of the influence of gratitude over persons supposed to be incapable of reformation, that he unconsciously lets the candle, which is to light him to bed, burn on until it has acquired a wick an inch long.

'its essence hostile to reformation, because hostile to education 'or development. This is the ground on which I have always 'resisted all attempts to combine the two principles. Pain there 'must be, but I make it incidental to education, *i.e.* no more in 'amount than is wanted, and exactly of the kind required for 'the educational process. This process, it must be remembered, 'is not, with criminals, writing characters on white paper, but 'rather resembles that by which a palimpsest is produced. *We* 'aim however at a total obliteration of the old writing. Now, 'the scratching-out is painful, because you operate on living 'bodies instead of dead parchments; and that pain is sufficient 'to make the operation deterrent. Yet it excites no hostility 'in the mind of the criminal, because he soon learns to perceive 'that it is conscientiously limited to his own permanent benefit. 'That is made the direct object, all others growing out of it. It 'is the *animus*, not the *amount* of pain which creates hostility; 'while, on the other hand, it is the *amount*, and not the *animus* 'which determines the deterrent effect.'

Much difficulty, he elsewhere points out, both in gaining clear conceptions ourselves, as to the science of criminal treatment, and in conveying them to others, arises from the deficiency in variety and accuracy of the terms employed in discussing it. Such a deficiency is inevitable under the little cultivation yet bestowed upon it. 'For instance,' he says, 'we use the word *punishment* to 'express pain inflicted under circumstances very distinct in their 'nature, and where the distinction leads to divergent consequences. 'Pain, by way of punishment, is administered as retribution for 'crime. The criminal may repent him of his offence, and he 'may hate it as sincerely as those who are punishing him; but 'he has no power over the past. He can submit to the penalty, 'and if the punishment is not capital, he may avoid its 'repetition; but with regard to the crime which has produced 'the punishment, he is as powerless over it as the child unborn. 'But pain may also be inflicted for the purpose of coercing 'the criminal to perform some act, or to refrain from some act, 'which he is then omitting or committing; and when inflicted 'with this purpose in view, it is still called punishment.'[1]

[1] *Repression of Crime*, p. 253.

Just as a few converts to the reformatory treatment of the young, however eminent in position, had found themselves powerless to establish it on a national footing, until the people had been roused and instructed on the subject, so was it now felt that amendment in the penal laws affecting adults, however imperative, could be neither successfully nor safely introduced until understood and desired by the public. The benefits arising from the administration of criminal jurisprudence must depend mainly on its accordance with the feelings of society. The workers in the cause, therefore, now directed their efforts to interesting all classes in their enterprise.

Early in 1849 Mr. Hill presided at two lectures on prison discipline, delivered to crowded audiences by Mr. Charles Pearson, then M.P. for Lambeth. They were followed by an animated discussion, protracted through four evenings. The lecturer attacked the "Separate system," on two grounds—its vast expense, and its failure to reform the prisoner. He took Reading Gaol as his illustration, where, he stated, no labour was performed which could be called "hard"; and detailed a plan by which in his opinion prisons might be made both reformatory and self-supporting. The advocates of the separate system made a stout defence; but resolutions embodying Mr. Pearson's views, and asking for their investigation by a Parliamentary Committee, were carried, and a petition was presented to the House of Commons, who in 1850 appointed the Committee prayed for.

Part of Mr. Pearson's scheme consisted in employing the prisoner in the cultivation of land within the walls of the gaol, which he proposed should inclose an area of a thousand acres. To this idea Mr. Hill added an extension, derived from Captain Maconochie, which has become an essential feature in successful plans of *associated* imprisonment. 'Before the 'complete release of the prisoner, I would employ him *outside* 'of the walls. . . . If he be really reformed he will not abuse his 'power of escape. He will know that his certificate of character 'will depend on his standing this test of his capability for self-'control; and that a certificate given after such a trial will be an 'invaluable testimonial, and enable him to re-enter society with-'out those fearful odds against him which too often reduce

'him to despair, and fatally urge his relapse into crime.'[1] Escape, Mr. Hill suggested, should be made a legal offence reconsigning the prisoner to gaol, where he must begin again his upward progress.

In the autumn of 1850 outrages were rife throughout England. They were committed, in large degree, by persons well known by the police to be pursuing a life of crime, and evinced a depravity and defiance of the law which it might have been hoped were foreign to the age and country. The Recorder of Birmingham seized the occasion to lay a plan before the Grand Jury by which he believed such deeds of violence, and crime generally, would be materially diminished. Though put forth at that juncture, the scheme had not been suggested by the recent outbreak of grave offences. Its development had long occupied his thoughts, and he gave it to the public only when its practicability had approved itself to his mind. It excited opposition to a degree for which he was not prepared, and became a subject of hot discussion by the press, throughout the country. By those best acquainted with the class to be held in check, it met with acceptance; but when handled by critics of acute mind, unguarded from error by practical experience, it called forth dissent, which exhibited itself in a multitude of ingenious objections. Replying to these in his Charge of October 1851, he said:—

'Gentlemen, I submitted to your predecessors a speculative 'opinion, and a practical proposal. My speculative opinion was, 'that all persons living without visible means of support, and 'who, in the belief of witnesses acquainted with their way of 'life, are maintained by crime, ought to be called upon to prove 'themselves in the enjoyment of some honest means of subsis-'tence; and I further submitted that, in the absence of such proof, 'they should be bound to give sureties for good conduct; and, 'again, that failing to give satisfactory security, they should be 'committed to prison for a limited period.[2] This was my theory.

[1] Report of the Adjourned Discussion, *Morning Advertiser*, January 29th, 1849.

[2] The principle which underlay his proposal existed or, at least, was nearly approached in English law, in the Statute by virtue of which a reputed or suspected thief, by frequenting certain places supposed to afford special opportunities for

'And it was founded on the fact (which has never yet been 'controverted) that each individual of the class of professional 'marauders is well known, both personally and by character, to 'the police and to his neighbours, and could be pointed out 'with perfect ease. From this fact I drew the consequence 'that society (having such means of knowledge within its reach), 'was not only justified, but bound to use it for the general pro-'tection. In my practical proposal, however, I stopped short; 'and limited the application of my theory to the cases of offenders 'who had already been convicted. I adopted this limitation for 'several reasons; one, that it is always well to proceed step by 'step in an untried course—or in a course comparatively untried; 'another, because convicted criminals form a large, and by far 'the most dangerous, portion of the predatory class; and, third, 'because by conviction they have necessarily forfeited the con-'fidence of society.'[1]

The delivery of this Charge renewed the controversy. The proposal was again fiercely debated, and again met with far more opposition than support. Mr. Hill's facts were admitted to be true, and some means of utilising them to be imperatively called for. But, it was alleged, the course he advocated would injure the innocent without restraining the guilty; it would cause injustice and oppression; and, above all, would invade the liberty of the subject, so sacred in the eyes of Englishmen. In truth, said his opponents, the remedy would be worse than the evil. Though his views were thus freely criticised, and sometimes even roughly challenged, their author was generally spoken of with great personal respect. Still the word "quack" was in one instance applied; and by a certain school of critics he was designated the "Birmingham Draco."[2]

The rejection of his plan showed that the popular mind was not yet prepared to accept the principle he had enunciated; namely, that persons pursuing crime as a calling, who are

plunder, was liable to be adjudged a rogue, and punished with imprisonment; while the Scotch ground of prosecution,—'by habit and repute a thief,' illustrated it still more closely.

[1] *Repression of Crime*, p. 181.

[2] This epithet, ludicrous indeed as applied to him, attached itself in his family circle to a photograph of austere and gloomy aspect, taken at about that time.

known to commit offences daily, though no special offence can be proved against them—just as passengers in the street must eat and drink daily, though it cannot be averred that they have taken food at any particular moment—ought to be placed under such a degree of restraint as shall prevent them from thus preying on the public. Further arguments were needed to prove the soundness of this principle; and these, aggravated atrocities continued to supply. As, in the words of Cobden, bad potatoes did what good arguments failed to accomplish, so burglaries and garottings brought the nation to acquiesce in the soundness of Mr. Hill's proposal; although many years were yet to elapse before that acquiescence was fully given.

In 1852 transportation, as has been already said, practically ceased, necessitating in substitution the Penal Servitude Act of the following year. One of the provisions of this Statute authorised the release of the prisoner before his sentence should have expired, upon his obtaining a licence to be at large, or "ticket-of-leave;" and further empowered the Home Secretary to order the offender's return to prison should he be charged with infringing any of the conditions printed on this document.[1] Among these were association with persons of evil repute, and non-possession of any visible means of earning an honest livelihood. Thus was adopted by the Legislature the very principle on which Mr. Hill's proposal of 1850 had been founded, though without his safeguard of a public trial. But notwithstanding that the principle was thus established, and the law brought into harmony with it, the mal-administration of the Act still postponed its beneficial effect.

The Act was designed, — first, to enable the prisoner to

[1] The conditions on the ticket-of-leave were as follows:—'The power of 'revoking or altering the licence of a convict will most certainly be exercised 'in case of his misconduct. If, therefore, he wishes to retain the privilege 'which, by his good behaviour under penal discipline, he has obtained, he must 'prove by his subsequent conduct that he is really worthy of Her Majesty's 'clemency. To produce a forfeiture of the licence it is by no means necessary 'that the holder should be convicted of any new offence. If he associates with 'notoriously bad characters, leads an idle and dissolute life, or has no visible 'means of obtaining an honest livelihood, &c., it will be assumed that he is about 'to relapse into crime, and he will be at once apprehended and re-committed 'to prison under his original sentence.'

shorten his term of imprisonment by good conduct; second, to exercise a modified control over him after release, and bring him again under restraint should his behaviour prove that his reformation was not genuine and lasting. It was intended that his conduct, from the moment of entering prison, should regulate, within certain limits, the period of his discharge; while his licence to be at large was to be in force only during good behaviour. Such was the theory of the law. But, in practice, convicts were discharged, when a certain portion of their sentence had expired, whether their conduct had been bad or good; and they were permitted to break the conditions of their tickets-of-leave with impunity. Of the many thousand licences granted, scarcely one was revoked, until the holder had committed some fresh offence. Crimes of violence increased, panics arose, and the public laid the blame on the system; whereas it really rested with its administrators—the authorities of convict prisons, and the Home Office.

By the year 1856, so unpopular had the "Ticket-of-Leave Act" (as it was commonly called) become, that Committees of both Houses of Parliament were appointed to inquire into its working, and into the expediency of again having recourse to transportation; a cry (often yet to be repeated) for the resumption of this punishment being raised through the land. A return to transportation was, however, out of the question. The Committee of the House of Commons recognised the sound principle embodied in the ticket-of-leave system. Nor did they stop there. They recommended not only that the Act should be administered in accordance with the intention of the Legislature, but that its operation, then limited to persons guilty of serious crimes, should be extended to lesser offenders, that they also might benefit by its provisions. Thus would have been abolished an actual inversion of justice by which the criminal condemned to penal servitude was open to receive a benefit denied to the mere misdemeanant. But the extension recommended was not embodied in the law until nine years later, and then only partially; while it has been even yet rarely applied.

It is not improbable that the Committee was aided in arriving at their conclusions by evidence which Mr. Hill had

been able to lay before them. The benefits to be obtained by reformatory treatment had been demonstrated in two foreign prisons—one at Munich, the other at Valencia, under their enlightened governors, Obermaier, and Montesinos. With the Bavarian experiment Mr. Hill had become acquainted through the published narratives of Englishmen who had visited the prison at Munich. That of Montesinos had been brought under his notice by Captain Maconochie; and he had verified both accounts by obtaining from each governor answers to a series of questions he submitted to them. These questions, with their answers full of valuable information to the student of prison discipline, were submitted by him to the Committee, and printed in their second *Report*.[1]

The recommendations of the Committee, however, brought about little or no improvement. Reformatory discipline was still absent from the gaol; and the convict when discharged continued to break the conditions of his licence unchecked.

A crucial instance of the consequences of neglect in administering the Statute, occurred at Birmingham. The Recorder had directed the Superintendent of Police there to watch, for six weeks, the conduct of all ticket-of-leave holders (nineteen in number) known to be in that town; and to furnish him with a report upon their course of life. The report showed nine of the nineteen to have relapsed into crime. One of the nine was a notorious ruffian named Thomas Wotton. He was stated to be keeping company with thieves, and to have himself taken again to thieving.

This report Mr. Hill transmitted to the Home Secretary, urging that the licences of the nine men should be revoked. His recommendation was not complied with, on the ground that the circumstances did not justify the step. Twelve months afterwards the newspapers were full of a daring burglary, at the house of Mr. Nodder, an aged clergyman, living at Ashover in Derbyshire. The ringleader in the outrage proved to be Thomas Wotton! He little imagined the force of the illustration his crime afforded. 'Here we have a convicted felon,' said the Recorder of Birmingham in a Charge delivered shortly after-

[1] Transportation Committee, H. C. 1856.

wards, 'his sentence yet hanging over him. He is well known 'to be pursuing his nefarious career. The station-master at the 'railway observes him and his companions quit Birmingham 'for the North, and is satisfied that they are on their way to 'the perpetration of some crime. Yet all this time the hands 'of justice are paralysed!

'Desirous, Gentlemen, after pondering upon the humiliating 'absurdity of such a miserable state of things, to escape from 'the disquieting thoughts to which it gave birth, I opened a 'book, and my eye fell on Lord Chatham's boast that every 'Englishman's house is his castle. "The poorest man," says he, '"may in his cottage bid defiance to all the forces of the Crown. '"It may be frail, its roof may shake, the wind may blow through '"it, the storm may enter, the rain may enter, but the King of '"England cannot enter. All his force dares not cross the '"threshold of the ruined tenement." Very fine, Gentlemen, no 'doubt, but not even Chatham's eloquence could make me 'forget that though the King of England cannot enter, Thomas 'Wotton can. Though all the king's forces dare not cross the 'threshold, Thomas Wotton and his murderous gang are free 'from restraint; they break through the defences of a peaceful 'dwelling at midnight—pursue a mother just risen from the 'bed on which she has endured nature's sorest agony—chase 'her and her newborn infant from chamber to chamber, and 'are only defeated in their execrable project by the nerve and 'self-possession of an old man, whose grey hairs might have 'protected him from blame, had he shrunk from the unequal 'contest!'[1]

As the winter of 1856–7 drew on, serious outrages increased. Assizes were being held throughout the country, and public attention was thus drawn to the subject from day to day. The number of relapsed malefactors was in itself appalling, but the popular imagination, excited by terror, vastly exaggerated that amount. Moreover almost every discharged convict was called a ticket-of-leave man, although his enlargement might have been absolute and unconditional; and many persons, who were only suspected of being convicted, still fell under that appellation.

[1] *Repression of Crime*, p. 666.

To Lord Brougham Mr. Hill wrote on December 4th, 1856:—'Do you observe the insane outcry which is made against the 'ticket-of-leave *system*, which is sound; instead of against the 'ticket-of-leave *administration*, which is abominable? My 'position is peculiarly annoying. I have urged the defects of 'the administration, I have pointed out the remedies, I have 'complained loudly that the defects are suffered to continue; 'and yet I am treated as the apologist of the measure *as worked*. 'I wish you could tell me what to do to make the public 'understand what the true questions are. . . . If the present 'cry prevail we shall be thrust back upon "simply penal '"legislation" [the inefficiency of which had been the sub-'ject of a Paper by Lord Brougham], which gives no trouble 'to men in office, is intelligible to the public, and which has 'only one draw-back—namely, that it will make this country 'uninhabitable.'

Such was the melancholy state of affairs in England, at the very time when by simply administering the Penal Servitude Act in its integrity, the soundness of its principle was being triumphantly vindicated in another part of the United Kingdom.

In the year 1854 Captain [now Sir] Walter Crofton had been appointed Chairman of Directors of Convict Prisons in Ireland. Taking the plan of Captain Maconochie as a basis, he adapted it, with additions of his own, to the provisions of the Act. Briefly described, the career of a prisoner under the Irish convict system, is as follows. If his behaviour be unexceptionable, his life is a constant though slow rise from cellular seclusion, monotonous employment, the lowest rank in classification, and absence of all privileges, to a state of increasing comfort and self-guidance, approximating, by the time he is on the eve of his discharge, to the freedom to which he is to be restored. On the contrary, the life of a prisoner, whatever his aspirations, who does not acquire control over his passions, his appetites, and his evil habits, is a perpetual struggle, in which his progress alternates with retrogression, by reason of his frequent misconduct. Worst of all, if prison life be passed in an obstinate rejection of every effort for his amendment, the criminal remains in the lowest and most irksome stages of discipline during the whole

term of his sentence. That his fate lies in his own hands is fully explained to him on entering the gaol. At the same time, every influence brought to bear on him has for its object to assist him in his upward progress.

The results obtained by Captain Crofton are briefly indicated by the following figures. When he entered upon his office, there were in the gaols of Ireland 4,278 convicts, male and female. Eight years afterwards, when on account of ill-health he resigned the chairmanship, their number had sunk to 1,314. By January 1st, 1878, the number of prisoners had been further reduced to 1,114. Meanwhile prisons had been closed for lack of occupants; and at the present time accommodation has been retained for only 1,670 convicts.

The physical improvement of the prisoners has been no less striking than their moral amendment. In 1854 the mortality amounted to 8 per cent. In 1862 it was 1·5; and in 1877 the percentage of deaths was 1·409.[1]

Unknown to Mr. Hill, his Charges had first directed Captain Crofton's attention to the subject of criminal discipline; but so little notice did the change being effected in Ireland excite, that it was not until 1856, when he made Captain Crofton's acquaintance, that Mr. Hill learned the successful operation in the sister-island of the principles he had himself so long advocated. To make this success widely known, and to obtain the re-modelling of the English system on the Irish exemplar, became now, as it remained for many years, the purpose of his life. In 1857 a brief vacation was spent in visiting the prisons under Captain Crofton's direction, when Mr. Hill's highest expectations were fulfilled. In a Paper read by him at the Social Science Congress of that year, he gave the result of his observations and inquiries. 'I have laboured hard,' he tells Lord Brougham, 'to keep the Paper short, but with poor success. 'It is, however, by far the most important I ever wrote. If my 'Charges may be considered as forming the opening speech of 'counsel, this Paper contains his *evidence*—and most triumphant 'evidence it is.'[2]

[1] The mortality in 1876 was only 0·9.

[2] *Paper on Irish Convict Prisons.* London: J. W. Parker and Sons, 1857.

Doubtless many among his audience, and those whom this detailed account reached through the press, shared the feelings of one present, who afterwards confessed he had at first regarded it as a Utopian dream, far too good to be true. This may explain the national indifference to the contrast so humiliating to England, which was yet long to prevail, between the modes of administering, east and west of the Irish Channel, the Act of 1853. 'What a strange infatuation it is which has seized almost 'all the world, depending upon *à priori* arguments, or impres- 'sions, or prejudices, instead of philosophising from the results 'of two conclusive experiments, each conducted on a large 'scale, each pursued for years, and each producing an unequi- 'vocal result, failure on the one hand, success on the other! 'Yet the Irish experiment, except by yourself and a very few 'others, is absolutely ignored.' Thus wrote Mr. Hill, in 1861, to the author (Mr. Thornton Hunt) of some admirable articles on the convict systems of England and Ireland, which had just appeared in the *Cornhill Magazine*.

Sir Henry Barkly was at this time Governor of Victoria. Writing from Melbourne in February, 1858, to acknowledge a copy of the *Paper on Irish Convict Prisons*, he told Mr. Hill that the subject of prison discipline had recently engrossed attention there in consequence of the total failure of the "brute- "force" system. This had been adopted almost of necessity in the days when the gold discoveries brought suddenly upon a colony which could scarcely boast a police lock-up, some thousands of the greatest scoundrels in Europe. Sir Henry Barkly said that he should bring Captain Crofton's experiment under the notice of the prison authorities; and expressed his hope that by help of Mr. Hill's *Paper* they would at length discover how to dispose of their convicts. The fact that the great majority of criminals in Australia were doubly steeped in crime, being escaped convicts originally transported from Great Britain, or *expirees*, and conditionally pardoned men, enhanced the difficulty to be overcome. But time has shown it to be surmountable. Mr. George O. Duncan, who for several years has been at the head of the Penal Department in Victoria, has carried the Crofton system into effect with vigour and integrity, and

his success brings from across the globe fresh confirmation of the soundness of its principles.[1]

When in the autumn of 1861 the Social Science Association met at Dublin, what they saw and heard of Captain Crofton's work wrought upon their minds the conviction of its genuineness, and marvellous success. But even this produced hardly any appreciable effect on the state of affairs in England. Some more cogent influence was yet needed. This came, in the dark November nights of 1862, in the terrible outbreak of garotting which created a panic from the Land's End to John O'Groat's.

A cry now arose for a more general infliction of corporal punishment. Mr. Hill wrote to Lord Brougham:—'With regard to 'flogging there are great difficulties. The punishment labours 'under the infirmity attending all deterrents. They do not act 'at the proper time; the terror is not great until after apprehen-'sion and sentence. What we want is *preventive* terror. . . . 'Again, what prosecutors, witnesses, and jurors may do in time 'of panic I will not predict; though even under panic I doubt 'whether the indignation against criminals in general, would 'not be overborne by sympathy with the individual on 'trial. But panic is not the normal state. We have had it 'before, and it passed away in aimless reproach and idle voci-'feration. And better so, in my mind, than that it should 'institute experiments founded on a belief in the sufficiency of 'deterrents to diminish crime, or that this object can be attained 'by increasing the *threat* of punishment, which is all the law can 'do; for without the aid of public opinion it is impotent to in-'crease the *severity* of punishment itself. Flogging is not in-'flicted in a tithe or perhaps a hundredth part of the cases in 'which the law sanctions it. And why? Because the public 'sentiment, which unconsciously affects all the various indi-'viduals who must concur each in his own department—as

[1] *Report* for 1877 of the Inspector-General of Penal Establishments and Gaols in Victoria. For a detailed account of prison discipline in this colony see *What we Saw in Australia*. Macmillan and Co.: 1875. It is to be regretted that the overcrowding there described of Melbourne City Gaol still continues, the unfavourable influence it exercises being pointed out in the Inspector-General's last *Report*.

'prosecutor, witness, judge, jury, and Home Secretary or his 'deputies—before the lash can actually reach the shoulders of 'the criminal, obstructs the operation in some one of its many 'essential parts.'

To Earl Russell, then a member of the Cabinet, he writes :— 'The dangers to the community arising out of the insecurity of 'life and property which at present form the staple of discus- 'sion, are not so formidable, in my mind, as the peril that the 'present state of excitement should lead to a pressure on the 'Government, for a resort to expedients of which history has 'demonstrated the worthlessness.'[1]

Happily, recourse was had to wiser expedients than mere brute force; and early in 1863 a Royal Commission was appointed to inquire into the working of the Penal Servitude Act. The overwhelming evidence adduced before that body, in favour of reformatory principles as carried into effect in Ireland, at length brought conviction to the mind of the nation; and England now demanded that she should no longer be deprived of their beneficent operation.

A remarkable illustration of the tendency of human nature to rush from one extreme to another, is afforded by the changes in our criminal code already described as having taken place within the present century. Sixty years ago England stood conspicuous for her sanguinary enactments against crime. But at last the public mind revolted from these rigours; and

[1] It was in reference to Mr. Hill's endeavours to stem the current which still from time to time set strongly in the direction of uselessly harsh punishment, that Mr. Cobden wrote to him :—'I have not been an unsympathising observer of 'your efforts in the cause of humanity. There has been a great reaction in this 'country among that which I call the ruling class, against what they are pleased 'to call humanitarianism. It has manifested itself in a tendency towards brutal 'sports, till we have seen pugilism revived, and life risked for our amusement; 'and it is only because we still *profess* Christianity, and not paganism, that we 'have not had patrons of the Roman amphitheatre. One of the developments of 'this cruel spirit is the return to the lash, and the advocacy of mere corporal 'punishment for crime. Another is the tendency to condone negro slavery, and 'to appeal to the devilish standard of mere intellectual superiority as a justifica- 'tion for the injustice inflicted on the African race. This retrograde spirit, which 'will only be temporary, I attribute largely to our great prosperity. Well 'may the nation say, with our Church litany—"In all time of our wealth, good '"Lord deliver us!" I honour you for so sturdily buffeting the stream.'

the tide which then set in, not only in the course of years mitigated a multitude of severities, but brought the law into a state of greater leniency than regard to the interests of the community could justify. Yet the law, mild as it had become, was outstripped by the laxity with which it was administered.

In his Charge of December, 1856, Mr. Hill had drawn attention to the continuous diminution by the Legislature in the severity of punishment during a long course of years. This had, he said, 'produced that abundance of short imprisonments 'which inures our criminal classes to a most pernicious alterna- 'tion of confinement and liberty—a detention too short to bring 'reformatory influences into full operation, even where there is 'time to initiate them; and a liberty only used to practise with 'increased dexterity and circumspection, the arts which brought 'the offenders into gaol, and which will sooner or later bring 'them there again.'[1]

To meet these evils, the Act which followed the Royal Commission of 1863, while providing for the assimilation of the English to the Irish system, also increased the severity of sentences to penal servitude. Abolishing those of three and four years' duration, it enacted that five years should be the shortest term inflicted—the catalogue of offences visited with these punishments remaining the same. This Act (passed in 1864), by lengthening imprisonment, and so allowing more time for reformation, Mr. Hill regarded as a great step in advance.[2] Moreover, tickets-of-leave, no longer to be granted as a matter of course, were henceforward to be rigidly earned by good conduct. The period passed under licence by the convict is the last stage on the road to absolute liberty. 'The 'necessity for this last stage no prior treatment, however excel- 'lent, can supersede,' wrote Mr. Hill to Lord Brougham. 'It 'is the *battle* of life as contra-distinguished from the *drill* and

[1] *Repression of Crime*, p. 615.

[2] 'I mourn to see,' he had written to Mr. Edward Akroyd before this measure passed, 'how little the Legislature has been impressed with the wisdom of the 'conclusions arrived at by the Transportation Committee of 1856. The new 'Criminal Law Acts [Consolidation Acts, 1861] are stuffed with penal servitude 'for three years; thus wantonly shortening almost to nothing, that term of super- 'vision under ticket-of-leave, which is a vital part of any true reformatory system.'

'*review*, by which latter processes no soldier ever became *aguerré*. 'Or, to use another figure, it is the proof of the gun-barrel by 'actual firing, without which the assay mark can never be 'honestly impressed on the weapon.'

Addressing the Birmingham Grand Jury on the recent Act, he says:—'Gentlemen, I do not augur from this change the loss of 'any real benefit to criminals. The impulse which wrought the 'mitigation of our criminal code was one rather of sentiment than 'of reflection. We shrank from the pain inflicted on ourselves 'through the sufferings of the criminal; and our own feelings once 'relieved, we forgot to ask ourselves whether we were treating 'the object of our sympathy so as to promote his permanent 'advantage. We forgot that to discharge him from prison, 'while under the influence of false principles, and the coercion 'of evil habits, was to leave him in a state of slavery more 'surely incompatible with his welfare here and hereafter, than 'any state which could result from the harshest visitations of 'human jurisprudence.'[1]

In a letter to the Rev. Walter Clay (when joint secretary to the Social Science Association), Mr. Hill remarks that the effects of the Act have already been so beneficial as to justify any exertion on the part of the Association to supply what was still defective in the measure. It directs the ticket-of-leave man, on his discharge, to report himself monthly to the police, but it does not supply the power for enforcing his performance of that duty. Mr. Hill then foreshadows the means eventually embodied in our legislation. He suggests—'a central 'office in London, attached, perhaps, to Sir Richard Mayne's 'establishment. From this centre, information respecting the 'defaulter, and, when necessary, a copy of his photographic 'portrait, might be transmitted to each Head of Police in 'England and Wales. Ultimately it may be found advisable 'to put each police office in immediate communication with 'every other; but I should not advise such a complication in 'the first instance.'

Turning to another branch of the subject, he continues:—'It is quite clear that a convict who never earns a ticket-of-

[1] *Birmingham Daily Post*, Oct 25th, 1864.

'leave, but remains in gaol for the whole term of his punish-'ment, is far more in want of supervision than the ticket-of-'leave man, whose licence furnishes evidence of amendment 'and more or less of trustworthiness. Yet, as the law stands, 'the former passes at once from the earlier stages of imprison-'ment to unbridled freedom. . . . . Thus it is almost hopeless 'to expect that he will conduct himself, when at large, as an 'honest and industrious member of society. I therefore pro-'pose that a convict should remain under supervision for a term 'certain—say twelve or eighteen months, beyond the date of 'his discharge from prison.' At the present day, when a sentence to five years' of police supervision excites no notice, a subjection of eighteen months only may seem absurdly short; but when the idea was new to the public, Mr. Hill may have anticipated that popular feeling would revolt from the suggestion of a longer period.

A provision in the Prisons' Act of 1865, afforded to minor offenders (*i.e.* prisoners in borough and county gaols) the privilege of improving their condition by good conduct. Thus, though the power of shortening their term of confinement was still withheld, the monstrous anomaly by which the greater criminal enjoyed advantages denied to the lesser was to some extent removed from our Statute book. In practice, however, much of the injustice remains, and for this reason. The clauses designed to remedy this great abuse were unhappily permissive, not compulsory. Though visiting justices, in some localities, availed themselves of the powers they conferred—much good being thereby effected—the new regulations thus adopted have frequently fallen into abeyance. Insufficient inspection has, for years, stood in the way of improvement—'a prison being one 'of those many institutions,' wrote Mr. Hill, 'which if left to 'themselves are always making a downward progress.'

Among those who took a permanent advantage of the Act of 1865 were the magistrates of Hampshire, who introduced into Winchester Gaol a progressive mark system. The Rev. Forster Rogers, a prison chaplain of twenty-four years' standing, nineteen of which he spent at Winchester, bears witness to the happy results of the change. 'There has been,' he states, 'a remarkable

'decrease, not only in the number of *punishments* for breaches of 'discipline, or neglect of work during the year, but of *reports*, 'which is a far better test of discipline and order, than a mere 'decrease of punishment. In the year previous to the intro-'duction of the Mark-system there were seven hundred and 'twenty-one reports, in two divisions of the prison. This year 'there have been only two hundred and ninety-seven in the same 'divisions.'[1] Mr. Rogers further testifies that the Mark-system, "the true philosophy of prison discipline" as he defines it to be, while it afforded motives to diligence and order on the part of the prisoners, operated in another, and certainly not less important, direction. It exercised a salutary and educational influence over the warders. To them it supplied an intelligible and unfailing test of the prisoners' industry and conduct, and prevented all danger of the latter suffering from the caprice or prejudice of their officers. It enabled the authorities, day by day, to ascertain not only the quantity and quality of the prisoners' work, but also to estimate both the qualifications of the warders for their posts, and their success in the discharge of their duties. Further, under the Mark-system the prisoner could earn small sums of money, to be received at intervals after his discharge. These were sent to his friends (if he had any who could be trusted), or to the clergyman of his parish, to pay over to him. In this way he was kept in communication with those anxious to befriend him, and an interest was created in his future welfare. Thus, in Mr. Rogers' opinion, was a most beneficial influence maintained over the discharged prisoner, which had a large share in rendering the effect of his wise treatment under confinement permanent after release. The success of the system was shown by the material diminution, after its introduction, in re-committals.

The Prison Act of 1877 places borough and county gaols under the control of the Secretary of State, aided by a central commission. Nothing therefore should now impede the extension to the prisoners in those gaols, throughout the country, of the system of penal discipline based on the Act of 1865, which, heretofore, has been carried into effect only in rare instances.

[1] *Hants County Prison: Chaplain's Report*, 1866.

Notwithstanding the meagre success of the measure of 1865, subsequent statutes show that the national mind has at length recognised the true theory of punishment. In 1869 the Habitual Criminals Act passed both Houses of Parliament without opposition. It decrees that persons already twice convicted of felony shall be liable to imprisonment, if suspected either of infringing, or only of intending to infringe, the law. Further, it provides for the registration of all persons convicted of crime, and extends police supervision to minor offenders. It also makes the law against harbouring criminals more stringent.

Photography, as a means of identifying relapsed criminals, had been voluntarily adopted by some of those practically engaged in the administration of the law many years before it was enforced by the Legislature. The practice of photographing prisoners owes its origin to Mr. Gardner, the Governor of Bristol Gaol. Mr. Hill, impressed with its great importance, brought it repeatedly under the notice of the public, and laid this admirable plan in detail before the Committee of the House of Commons of 1856; but it was not rendered compulsory until 1871, when it was included in the provisions of the Crimes Prevention Act—a measure found necessary to perfect the Act of two years before. That Statute had empowered the Court, when passing judgment upon a second conviction, to impose perpetual police supervision after the expiry of the sentence. Such supervision is now limited to a period not exceeding seven years, during which the ex-prisoner is required to report himself, at appointed times, to the police of the district in which he resides. A similar limitation is put to the term during which the ticket-of-leave holder must report himself—thus amending the clause in the Act of 1864, which obliged him to report himself not only upon discharge from prison, but, periodically, "ever after." To compel an offender who has "paid the penalty of his crime," as it is called, to present himself before a police officer—the last person it may be supposed a man struggling to redeem his character would desire to be seen in contact with—may seem a harsh provision. But the safety of the community justifies the infliction. Happily experience shows that, while constituting a powerful restraint on him who

is likely to relapse into crime, the rule inflicts no injury on the honestly-disposed. On the contrary, it is found actually to afford him protection if he fall under false suspicion.

Penal enactments however wise, and prison training however well conducted, cannot of themselves secure the permanent reclamation of the offender. They must be supplemented by an agency which shall operate after the prisoner has become a free man, and here unofficial aid is essential. The need of voluntary co-operation was recognised by Mrs. Fry when she began her labours by gradually gathering around her a band of earnest fellow-workers. They formed themselves into Prison Visiting Societies. The object to be secured by such associations was two-fold. The bettering of the then miserable condition of the prisoners while under sentence was one; but another was to acquire such knowledge of their characters, and influence over their dispositions, as should guide their benefactors in seeking employment for them, and otherwise befriending them after discharge.[1]

Most of these Societies gradually died away. Here and there, however, benevolent individuals—notably Thomas Wright, the artizan of Manchester, Sarah Martin, the seamstress of Yarmouth, Mrs. Sawyer of Bristol, and Lady Elizabeth Leveson Gower (the late Duchess of Argyle), helped in carrying on the good work; while, in some gaols, chaplains were already adding to their official duties by organising aid to prisoners after discharge.[2]

[1] An instance of the success of Mrs. Fry and her coadjutors came within Mr. and Mrs. Hill's experience. Having satisfied themselves that a young woman under punishment in Newgate for theft, recommended by the visiting ladies, had given proof of contrition for the past, and resolution to amend in future, they received her, on her liberation, into their service. She proved a faithful and valuable attendant.

[2] A Swede who worked as engineer on a steamer between Gottenburg and Hull, hearing of the labours of a prison-visitor, John Ashworth, determined to devote himself to the same beneficent task. His employment ceasing during winter he occupied that season in visiting prisoners in gaol, and in finding work for them upon their discharge. At length, to give shelter and occupation to those for whom he failed to obtain the ordinary means of support, he resolved to found a little "Home," and, with pecuniary help, he accomplished his design. As time went on a second Home became necessary, and this also he has been enabled to open. They are situated in different parts of Stockholm, and are managed by himself. He employs the men in gardening and wood-chopping. His

This object is now secured in some localities by societies specially formed for the purpose; but England is yet behind some of her continental neighbours, who, in their respective countries, have extended a very network of associations for befriending discharged prisoners. 'The moment of departure 'from the gaol is the most dangerous crisis in their lives,' said Mr. Hill, at a meeting held, in 1856, to found such a society in Birmingham. 'It is then, if ever, that the friendly hand should 'be stretched forth—that the friendly voice should be heard. The 'prisoner is recommencing his career. Good and evil are before 'him. If the good be rendered hopeless, and his only home be the 'gaol appointed for his punishment; if the only friends who 'are not dangerous to his future prospects are the officers ap- 'pointed to correct him; if he remember that when his charac- 'ter was unstained he could not keep his place in society, but 'forfeited his right to associate with honest men—what despair 'must fall upon our poor wretched fellow-being when the door 'closes after him of that abode, which, gloomy as it is, was his sole 'refuge, and he finds himself shut out from the only true friends 'he perhaps ever possessed in the world! Well, then, you must 'be there. You have heard that the tempter is at the gaol door '—that the receiver of stolen goods dogs his steps, that his 'old companions in crime wait to carry him away to his former 'haunts, and to hurry him again into the fearful course from 'which he has been, for a short time, held back by the strong 'arm of the law. Do you disperse that wretched crowd as- 'sembled around the doors of the gaol, and hold out to him the 'hand of encouragement! If you can do nothing else, you can 'show him a friendly countenance. Let him feel that when he 'has to encounter, as he must, the frowns of the world, one 'human being at least will be his friend—will rejoice if he can 'resist temptation and escape its dangers, will mourn if he fall 'back into the paths of sin.'

For some years discharged prisoners have been allowed, on

name is known all over Sweden, and from gaols too distant for him to visit, come letters from prisoners, anxious to lead an honest life, begging to be received by "Uncle Johansson," as by all classes, from prince to peasant, he is affectionately called. The Queen of Sweden has established and supports, at her own expense, a Refuge for female discharged prisoners.

certain conditions, to report themselves to duly certified societies instead of to the police, whereby the mortification attaching to the visit is obviated, while its utility is not diminished. The multiplication, in late years, of these associations is largely due to the efforts of Mr. T. Ll. Murray Browne. One suggested by him was founded at Bristol in 1872, and the advice and sympathy Mr. Hill accorded to its promoters was his last contribution to the reformatory cause. These societies have undoubtedly done their part in the diminution of crime which has marked the last twenty years; but they are not even yet at all commensurate with the demand for them. Many districts are still without any such organization; and in some where it does exist, its operation is limited to men. Yet few would dispute the proposition that of the two sexes the female most needs help on departing from the prison-gate.

The managers of Reformatory and Industrial Schools are required to exercise supervision to a certain extent for three years over the young persons discharged from their institutions; but even for this limited period the protection afforded falls far short of what is understood in foreign countries by "patronage." The friendly care which under this name is extended to every youth who quits Mettray, never ceases. The cost to the establishment of such watchfulness is necessarily large—more than £17,000 have thus been spent. But to this watchfulness is attributed a large share in the wonderful success of Mettray. Compare her 94 per cent. of youths converted to good citizens, with the returns from English schools of the numbers reclaimed, and Mettray will be found to have been wisely lavish.

The foregoing pages record the progress of criminal legislation during the life of Matthew Davenport Hill. It is no doubt difficult to arrive at a definite conclusion regarding the precise effect of the improvements he had witnessed. Commercial prosperity or depression, and various other influences have to be taken into consideration as affecting crime. Apart from these it might be supposed that the statistics of offences and of convictions would afford the means of estimating its amount. These statistics, however, are only *indicia*, not proofs,

because they are largely influenced by other agencies than the augmentation or decrease of crime. The Summary Jurisdiction Act, for instance, in various ways swells the number of convictions, even if the number of offences be the same. Again, additions to the police force of a district, or other changes rendering it more efficient, have a tendency to increase the number of persons apprehended and of offences registered, though the offences committed may not have increased at all. And, again, many juvenile offenders now appear in criminal statistics, not because of an increase in juvenile crime, but from the growing willingness of magistrates to enforce the Industrial Schools Act. The waifs and strays whose consignment to these institutions augments our recent criminal returns, were as numerous in former years; but they were left to run about the streets.

Instead therefore of searching Police and Prison Returns for an answer to the question how far crime has been diminished, this must be sought in the numbers during a series of years, of the criminal classes, generally, whether in or out of gaol. The statement made under this head by the Government Returns shows a steady decrease in this category of persons. While population has been growing at the rate of more than twelve per cent., the criminal population has declined almost exactly one-half! In 1861 the criminal classes were estimated to number 155,368; in 1871 they were 77,790.[1] But this reduction in the army of malefactors in our midst, encouraging though it is as to what may be achieved, leaves yet a wide margin between what has been done, and the goal—the diminution of crime to the lowest attainable point—to which Mr. Hill and his fellow-workers looked. Some of the means by which, as they believed, that space might be traversed, will now be briefly indicated.

When in 1866 the last colonial outlet for criminals—Western Australia—was at length to be closed, rendering the detention at home of all convicts henceforth compulsory, the consideration of a wise method of dealing with life-sentenced prisoners had become of urgent importance. A small portion of this class, indeed, had never been sent across the seas, and good conduct

[1] *Judicial Statistics*, 1861-2 and 1871-2. The numbers returned for 1875-6 are 74,706. *Ibid.* 1876.

under imprisonment was usually rewarded by liberation when about twelve or fifteen years of the sentence had expired. A life-sentence was in fact hardly ever fulfilled in its integrity. This deception, as it may be termed, in the infliction of punishment proceeded from various causes: morbid sympathy with the convict, and theoretic fears for his health, had prevented the development of a system adapted to criminals sentenced to perpetual imprisonment.

'We shall not get rid of capital punishment,' wrote Mr. Hill to his brother Frederic, 'until the public is convinced that a 'sentence for life will be carried into effect with very rare excep-'tions. I believe nothing would more rapidly conduce to the 'abolition of death punishment than a substitute for it which 'would gratify the love of deterrents, which seems both indi-'genous and inveterate in the mental habits of mankind. . . . 'At Munich I saw two men who had been in prison each 'twenty-four years. It appeared to me that life had been 'crushed out of them. Then, again, I saw prisoners who had 'been kept in active employment for long terms of years, who 'exhibited no marks of ill-condition, either bodily or mental. 'The first two men had been under a monotonous old system— 'they were brought into Obermaier's prison the day I visited 'there.'

In the opinion of competent judges it is impossible to confine in the same gaol offenders who are to be liberated, with those who are never to return to the world. To provide for the latter a special place of punishment would be, Sir Walter Crofton considered, the "missing link" in our system of convict treatment. Mr. Hill shared his views, and at his request prepared a paper upon "Life-sentences" for the Social Science Congress.[1]

'Capital punishment,' he wrote, 'though retained in our 'criminal code, will probably be reserved for culprits convicted 'of deliberate murder. If so, the convicts to whom imprison-'ment for life will be applicable, may be ranged in two 'classes:—

[1] "Brief Remarks on the Treatment of Criminals under Imprisonment for Life." *Social Science Transactions*, 1866.

'First: such as, by ferocity of disposition, or, in gusts of 'ungoverned passion, have inflicted death, or serious, permanent, 'and irremediable injury on the objects of their attack; and in 'this class will be included criminals guilty of murder in the 'highest degree, if reprieved by the Crown.

'Second: convicts whom repeated convictions after punish- 'ment—for felony or grave misdemeanours, like perjury, the 'obtaining money or goods on false pretences, or the wilful 'uttering of base coin—have shown to be incorrigible.

'The protection of the public demands that offenders con- 'demned to imprisonment for life should be sent to a gaol 'specially erected to receive them, from which escape should be 'made absolutely impossible, and discharge so difficult that it 'could rarely occur.' In regard to these rare occasions, Mr. Hill proposed that the 'Secretary of State for the Home Department 'should not advise the Crown to exercise its prerogative of 'mercy prior to an investigation of each case by the Judicial 'Committee of the Privy Council (or a sub-committee of that 'body), and that that prerogative should be only called into 'action upon their recommendation; no case to be brought before 'the Committee without the assent of the Secretary of State.'

These provisions would reduce such references to the Committee to a very small number,—the smaller as he proposed to disallow altogether any claim to release arising from danger to life as the result of continual imprisonment. 'Such danger, 'where it exists, ought to be considered as a necessary incident 'of the fate which the convict has brought on himself. Lunatics 'are never discharged on such a ground; and thousands of honest 'men annually fall a sacrifice to the perils of their callings in life, 'civil and military. Why, then, should an exception be made 'in favour of criminals? Nothing, doubtless, should be omitted, 'compatible with imprisonment, to ensure their health; but to 'go beyond that point is productive of most pernicious results.' For instance convicts discharged in consideration of this danger have been quickly re-convicted for offences precisely similar to those for which they had been first punished. 'Thus I 'contemplate,' he continues, 'that the vast majority of convicts 'sentenced to perpetual imprisonment will change their gaol

'only for their grave. Such an inexorable fate, when it became 'known, would have, I believe, all the deterrent effect punish-'ment is competent to produce; unless, indeed, the treatment 'of the prisoner were made such as to excite the envy of poor 'labourers at large. For myself I do not think this a very 'probable event, even if we were to recur, as we never shall do, 'to the false indulgence now happily in course of eradication 'from our prison discipline. Confinement to one spot, with 'more or less of isolation, with severe restrictions upon corre-'spondence, and exclusion from knowledge of what is passing 'in the world beyond the walls would be, in every rank of 'life, save to persons very exceptionally constituted, a hardship 'all but intolerable.' And when to these privations is added abstinence from alcoholic beverages and from tobacco, a state of existence is presented to the minds of those likely to yield to the temptations which consign men to prison nearly as repulsive as can well be imagined. 'Indeed, such a regimen, when combined 'with long hours of labour, plank beds, and no more time for 'sleep than nature requires, would form a system of treatment so 'depressing to the mind of the criminal that, if he were rendered 'hopeless of mitigating its severity by good conduct, appalling 'consequences might be expected. His life might be shortened 'by despair, even if he were not driven to suicide.

'We are thus forced upon a problem not easy to solve, 'namely, how, by the relaxation of harsh discipline, to inspire 'the criminal with hope, without leading those who might 'be tempted to follow his example in crime, to under-rate the 'misery of his lot. When the prisoner knows that his confine-'ment must come to an end, either because his term of imprison-'ment will expire, or because he is in course of working himself 'out of prison by industry and good conduct, the danger of 'reducing him to despair is obviously lessened; and, with 'prisoners of ordinary temperament, unless the expected return 'to liberty is placed at too great a distance, such a danger 'calls for no special attention. But in cases of detention for 'life, our expedients for exciting hope are limited to affording 'the prisoner opportunities of bettering his condition in the 'gaol itself. And, even that amelioration must be slow in

'progress. Nor must he ever ascend to any great height. Yet, 'as it is important that his rise should be continuous (or at 'least stationary only for short intervals), it is evident that, at 'the commencement of his incarceration, he must be placed in 'a very low position indeed.

'The class of prisoners who have deprived a fellow-creature of 'life, or diminished his comfort and enjoyment by the infliction 'of grave personal injury, should, I think, for a period more or 'less considerable, be placed in irons, heavy at first—as heavy, 'indeed, as nature can support; yet to be promptly lightened by 'good conduct, until at last, they are reduced to one ring, and 'even that one may eventually be withdrawn. This infliction 'of irons to be superadded to all the visitations undergone by 'convicts in penal servitude for limited periods; which visita- 'tions may also be multiplied, and increased in severity, in the 'earlier stages. To these earlier stages the prisoner is to be 'sent back in cases of misconduct, and then left to work him- 'self up again.'

Although, when the culprit is shut out from all but the mere possibility of release, the means of inspiring him with hope are reduced to narrow limits, yet some facilities for his appropriate treatment arise out of the very absence of the necessity for fitting him to return to the world. Relaxation from strict and minute control need not begin until a later period than with those who are to be restored to liberty, and should never extend so far as to place him in a position similar to the intermediate stage in penal servitude. On the other hand, as he need not form such habits of industry as would enable him to hold his place in the battle of life, indulgence may, after a term of years, be afforded by a diminution of his hours of toil, by making his bed more comfortable, and by lengthening his hours of rest.[1]

'I need scarcely say that care must be taken to make all 'prisoners for life not only acquainted with the rules, by which, 'if they persevere in industry and good conduct, they will 'gradually mitigate the hardship of their lot, but they must

[1] Longer hours of attendance at school might perhaps be made one of the rewards for good conduct, together with a freer use of the prison library, and more leisure for study.

'also be enabled to see that such of their fellow-convicts as 'have earned the indulgences to which I have referred, are in 'the full enjoyment of them.

'It may possibly be doubted whether the proposed relaxations 'will suffice to protect the prisoner from falling into dangerous 'depression; since it is not intended to raise him to a condition 'which even the humblest member of society would esteem one 'of even tolerable welfare.' Welfare is, however, a relative term, and may comprise even a state of pain or misfortune when opportunity is afforded for a steady course of alleviation. 'To 'the individual himself, the degree in the scale which at any 'particular moment he occupies, is of far less importance to his 'happiness than the fact of whether he is rising or falling— 'changing worse for better, or better for worse. Yet, although 'the well-conducted prisoner for life will derive great mental 'comfort from his upward progress, his position will be judged 'of by the class whom his fate is meant to warn, not by the 'criterion of his feelings, but from his outward circumstances, 'which will never become such as much to diminish their horror 'of his punishment.

'As to the second class of prisoners for life, namely, in- 'corrigible offenders against the rights of property, they ought 'not to be subjected to irons; but in all other respects the 'difference of treatment between them and the prisoners of the 'first class should be but slight.'

At the conclusion of the debate which followed the reading of this Paper, a resolution was passed recommending the establishment of a special prison for life-sentenced convicts. By men of experience, therefore, the suggestions set forth met with approval; but these have not yet attracted sufficient attention from the country to excite the interest, and obtain the discussion, which must precede their adoption.

The success of Reformatory Schools for the young had suggested their adaptability to grown-up offenders. Mr. Barwick Baker was the first to propose reception of these in such institutions. In 1868, the Social Science Association met at Birmingham. At the request of the Local Committee Mr. Hill prepared a paper upon "Adult Reformatories." The voluntary

element, he showed, might be brought to bear with advantage on a certain class of adult criminals, *i.e.*, those who should make it evident by their conduct, during a probation in gaol, that they could dispense with bolts and bars, and submit to the moral control for which a Reformatory is alone adapted. The institution, he said, must be small. Success in great measure would depend on 'that kindly and familiar intercourse between the 'managers and their wards, which is incompatible with large num-'bers. The inmates will look upon these philanthropists as their 'exemplars and patrons[1]; a mutual attachment will spring up, 'and they will be conscious that, unless by their own fault, the 'relations between these patrons and themselves will continue 'long after they shall be restored to society.' To prove that Mr. Baker had put forward no merely speculative opinion Mr. Hill cited the experience of Lusk and Golden Bridge in Ireland, and of the Carlisle Memorial Refuge for convict women, at Winchester.

Some years previously he had become acquainted with Dr. Wines, the Secretary to the New York Prison Reform Association. In 1870 he filled the same office in relation to the United States National Prison Association. At his instance Mr. Hill undertook to write an Essay on the *Objections Incident to Fixed Periods of Punishment*, for the National Congress on Penitentiary [*i.e.* Penal] and Reformatory Discipline, to be held at Cincinnati in the autumn of that year; but, in place of the Essay, a letter was all he could accomplish. The main arguments advanced therein against time-sentences have already been discussed in these pages. On an incidental but also insuperable impediment to establishing uniformity in punishment, he remarks:—'Whenever a case is tried by a plurality of judges 'it is well known that it is only by compromise that they agree 'upon a sentence, where the legislature has left them discre-'tionary power. And if this be true of judges who, sitting 'together for month after month, are worn into an approach to 'mental uniformity, the difference of apportionment between 'one court and another, must be acknowledged to be so great as

[1] This word is used, of course, in the sense of a member of a *Société de Patronage*. See *ante*, p. 176.

'to destroy all hope that crimes will meet, as a rule, with 'their desert—neither more nor less.

'In our attempts to award pain according to desert, we are 'fated to err either on the side of mercy or severity. Hence, 'it has been a favourite habit with editors of newspapers to 'compare two discrepant sentences with a chuckle of triumph 'over the folly of one or other of the judges, on whose proceed-'ings they are animadverting, without a thought that the judges 'have neither weights nor scales. It is true that by reason of 'that vague approach to proportion between crime and penalty 'to which I have referred, the problem to be solved by the 'judges is not quite so hopeless of a rational answer as the 'schoolboy's question—"How far is it from the 1st of March to '"Tyburn turnpike?" But it, nevertheless, is quite as incapable 'of satisfactory solution.

'When the jury has convicted the prisoner, it remains to be 'considered whether the offence is mitigated or aggravated by 'its incidents. Then must be considered the circumstances of the 'offender. Is he young, or of mature age? Has he had the 'advantages of education, or has he been left to the influences 'of ignorance, bad example, and evil associations? Has he been 'previously convicted so frequently as to make it clear that he 'has adopted crime as his calling or profession? Or is his devia-'tion from honesty an exception, and not made in pursuance 'of his rule of life? All these, and many other points for con-'sideration will rise up in the mind of a thoughtful judge, but 'they assuredly will not be dealt with by any two minds so as 'to result in precisely the same infliction. And if we take into 'account the modifications of opinion which society undergoes 'from time to time, and observe its effects on the sentences pro-'nounced at various periods for offences of similar magnitude, 'we shall, I think, all come to the conclusion that standards of 'punishment are more easy to imagine than to realise.'

CHAPTER XI.

Narrative of Life Resumed—Diary—Serjeant Talfourd—Charles and Mary Lamb —Lincoln's Inn Library—Trevelyan's *Education in India*—Fears of Russia—Their Groundlessness—Judge Story—The Queen and Prince Consort at Lincoln's Inn—Penny Postage—Tours in France and Switzerland—"Rebecca and her Daughters"—State Trials—Letter from Lord Denman—*Law Review*—Revolution of 1848—Visit to Paris—National Assembly—M. Thiers—Théâtre Français—Paul Louis Courier—Saumur—Angers—Mettray—Brougham Hall —"Copper Caps"—Letter to Mr. Adderley—"The Manchester Palace."

FOR some years after Mr. Hill's appointment to the Recordership of Birmingham, the records of his private life are scanty. A diary kept for a few weeks at the beginning of 1841 indicates ill-health. After early manhood he had, when well neither time nor inclination for such a record, except that on a few occasions, when absent from home, he wrote one for his wife's amusement.

'*Jan.* 22*nd.*—My name much talked of in Westminster Hall 'to-day, for Judge. Fudge! On Saturday dined at Maule's. 'Met Alderson, Talfourd, and others. Talfourd spoke of Charles 'Lamb and his sister' [describing her insanity and his heroic devotion to her].[1] 'His narrative surprised me not a little. To 'see them together as I have done, one would have thought 'her mind governed his. She seemed to exert a kind and gentle 'influence over his habits; and she restrained him from drink I 'have no doubt. Indeed I believe that, when sane, she had 'more self-command than he had, and was entitled to take a 'guiding tone. He was odd in manner, and anything but 'what the French call *posé*.

[1] See Talfourd's *Final Memorials of Charles Lamb.* Moxon, 1848.

'*Jan.* 26*th*.—To-day I made my motion, that the Library 'Committee of Lincoln's Inn make a report of books which are 'wanted, and of the cost of supplying them. It was well 'received by a full Bench, and on the motion of Selwyn[1] I was 'added to the Committee. We *will* have a library now!

'We have a manuscript catalogue compiled by a man who, 'having failed as an attorney, became a writer of very bad law-'books. Poor fellow, if he knew but little of law he knew less 'of other matters; *e.g.*, under the head "Biography," I saw '"*Pompée (petit) Sa vie et ses aventures—Histoire critique, traduit* '"*de l'Anglais;*" and "*Gargantua and his son Pantagruel (their* '"*lives), from the French of Francis Rabelais.*"

'*Jan.* 27*th*.—Very tired. Long consultation in the evening. 'Coming home studied a plan for making out a good list of 'books, English and foreign [for Lincoln's Inn Library].

'*Feb.* 7*th*.—The cold for the last few days has been more 'severe than I ever remember it. The thermometer is very low, 'and a high N.E. wind has been blowing incessantly. The snow 'is strewed with the leaves of the evergreens. . . . I got a 'verdict for poor Miss Kelly yesterday. What a delightful 'actress she was!

'*Feb.* 16*th*.—Ill, and out of spirits, for many days. I look 'forward to the Circuit with dread. Wightman is appointed [to 'the vacant judgeship]; and Waddington is the new Devil.[2] He 'acted to-day perhaps for the first time. He was junior in Lord 'Cardigan's trial. On Sunday morning I sat an hour with 'Brougham. The Marquis of Anglesea came in. He evidently 'came to gather Brougham's opinion of Lord Cardigan's case. 'He said—"We can't get rid of the fact, can we?" Brougham 'said—"I'll call on you in the afternoon," and sent him off.

'*Feb.* 19*th*.—Very unwell all day. Read the whole of Tre-'velyan on "Education in India," a book of extraordinary merit-'—statements, opinions, arguments all right; information exact 'and extensive.[3] He argues at length the question—"Shall the

[1] William Selwyn, Q.C.

[2] A designation given in the profession to the Junior Counsel for the Treasury.

[3] *On the Education of the People of India.* By C. E. Trevelyan. London: 1838.

'"natives be taught through the medium of Persian and Sanscrit '"or English; each of the three being a foreign language?" The 'only difficulty is to understand how there could be a doubt; 'and yet the antiquarian feeling prevailed so strongly that, in 'spite of Ram Mohun Roy's admirable remonstrance as long 'ago as 1821, followed up by a masterly despatch from the Court 'of Directors in 1824, (I think), it was not until 1835 that the 'monstrous absurdity of the Persian and Sanscrit plan was 'abandoned. Who can measure the heavy calamity of the loss 'of these fourteen precious years! How much of real know-'ledge, and of English feeling, might have been diffused! Talk 'of the Russians invading our Indian Empire—the Education 'Committee of Calcutta were far more dangerous enemies to the 'English connection than the Czar will ever be, *can* ever be!'

That the Library of Lincoln's Inn should be made so complete that no book should be wanting that an English lawyer was likely to require, was an object Mr. Hill now set before himself. In 1841 it numbered 12,000 volumes, and was under the direction of an able Committee; but they constituted a very small part of the governing body of the Inn, and did not venture on any considerable outlay. The Benchers had recently voted a large sum to buy plate for their table, and it seemed to him but reasonable that the library should share the benefits of such liberal opening of their purse.

The inquiries consequent on the motion mentioned in the diary, resulted in the investment of the Library Committee with full powers to purchase at their discretion. To obtain information concerning works published abroad, and to procure them for Lincoln's Inn by exchange for those the British Government presented to the public libraries of other countries, Mr. Hill proposed to open communication with eminent foreign jurists, and to secure the aid of the Foreign Office. He took himself an active part in carrying both suggestions into effect.[1] Among those with whom he corresponded in the United States was Judge Story. A strong motive for a projected, but never-accomplished tour in that country, was his desire to make the personal acquaintance of this distinguished man, and it was

[1] The Library now [1878] contains about 42,000 volumes and 1,500 MSS.

one of the regrets of his life that circumstances prevented the fulfilment of the plan.

The large accession of books made additional accommodation necessary. A new Library was designed; and this together with the present Dining Hall was opened in 1845. The Queen and the Prince Consort were guests upon the occasion, and Mr. Hill wrote the Address with which they were received. The Prince became a member of the Inn, and soon afterwards, on his admission to their body, dined with the Benchers. In conversation with him Mr. Hill was struck with his interest in English Law, and even actual acquaintance with it.

From the time Penny Postage was established daily correspondence with his family, when absent from them, became Mr. Hill's rule. 'This is blank letter-day; I would rather have 'a blank dinner-day once a week'—written from Circuit to one of his children, shows how constantly his thoughts were with those at home. A tour in Switzerland was in prospect for the autumn vacation of 1841. To a daughter who was to accompany her parents he wrote—'I am glad to find that you work at the History 'of Switzerland. . . . It is curious, but quite true, that the more 'you know of a country before you visit it, the more you are 'likely to learn of it, when there. Try if you can find good 'reasons for this—that is if you believe it well founded. If not, 'tell me what you have to urge against it.'

But when the vacation came he was too feeble for the Swiss tour, and a less fatiguing one was made in France; the journey to Switzerland being accomplished two years later. His first acquaintance with its scenery was a memorable event in his life. Nor was the personal intercourse afforded him with De Fellenberg, whom he visited at Hofwyl, less keenly appreciated. Learning the intention of his host to visit England, he sent the good news to Lord Brougham, who answered—'I cannot de-'scribe how much your letter interests me. To be sure we 'must take advantage of our venerable friend's visit, and to this 'end I must write to him and press it, offering my house to 'receive him as long as he pleases to remain. We will give him 'a public meeting, and promote education without distinction

'of sect.' The invitation was given and accepted; but, for reasons not now known, the wished-for visit was never paid.

A not unreasonable discontent with the high road-tolls prevalent in South Wales, had for some time shown itself in that part of the kingdom. Contemporary history describes the evil consequences which eventually arose from it. Men dressed in women's clothes, and calling themselves "Rebecca and her daughters," began a series of violent attacks on turnpike keepers; and, unchecked, their lawlessness spread to other objects. In October 1843, a special Commission sat at Cardiff to try the rioters. Mr. Hill went down for the defence. Only one of the prisoners was, however, tried; for, upon his conviction, some of the remainder under the advice of their Counsel pleaded guilty, and the prosecution of the rest was dropped by the Crown. Although the cases of some of the convicted men demanded severe sentences of transportation, the lesser infliction of imprisonment was allotted to others, while several were discharged upon their own recognizances. This leniency may have been partly due to Mr. Hill's speech in mitigation of punishment. When he sat down, the Attorney-General (Sir Frederick Pollock) who conducted the prosecution, handed to him a morsel of paper on which he had written—'You have just delivered one of the 'most appropriate, eloquent, and feeling addresses I ever heard. 'I dared not, could not, add a word.

'F. P.'

In the prosecution carried on by the Government against Daniel O'Connell and others, Mr. Hill was one of the counsel for the defendants, when, in 1844, they brought their case by Writ of Error into the House of Lords. The Irish Court had in effect laid it down as law that a special jury could not be challenged, even for fraud, a decision which it fell to Mr. Hill to controvert. This noble subject for argument—the vindication from perversion of the law in which all men should find their safety, was one he delighted to pursue; and his speech did justice to the principle he was called upon to defend.

The conviction obtained in Ireland was supported by Lord Chancellor Lyndhurst, and Lord Brougham, and opposed by

Lord Cottenham, Lord Campbell, and Lord Denman—then Chief Justice of England. The last-mentioned strongly urged the reversal of the judgment of the Irish Court, on the ground of the non-allowance of the challenge to the array, using the emphatic words (since become classical), that the course which had been taken by the Courts below would make trial by jury "a mockery, a delusion, and a snare."[1] The judgment was reversed, on a technical point, and O'Connell, and the other defendants, were immediately liberated.

From Lord Denman.

'MIDDLETON, *Oct. 29th*, 1844.

'My own reminiscences at the Bar enable me to enter into the 'feelings so well and so kindly expressed by you.

'Your argument in the House of Lords appeared to me un-'answerable; and in the few days that intervened between it and 'the Circuit I examined all the authorities, and was convinced 'that you were right. Afterwards, at this place, I returned to the 'subject, and found my first impression strongly confirmed by 'what fell from the judges in Ireland, particularly those who 'were for over-ruling the demurrer. On this point I wrote a 'pretty full statement of my reasons, and placed it in the hands 'of our noble and learned friend [Lord Brougham] who read it 'on the Tuesday, September 3rd, and returned it to me at night, 'unconvinced. On the other point I also set down my thoughts, 'which were that the judgment was wrong in principle, but '*must* be supported by the power of authority. But the 'authority being explained away to nothing, *all* the reasoning 'led to the opposite conclusion—Parke's very strong, Alderson's 'much stronger: Coleridge has since said the same thing to me 'in general terms. On this subject I had written nothing, and 'was in hopes of a discussion among the five law-lords, not 'entirely despairing of the Chancellor's assent, and perfectly 'ready to give up my own opinion if the reasoning had appeared 'to be satisfactory against it. This part of the speech might 'otherwise have been in some degree cogent and compact.

'Our friend above mentioned, has been writing me many good-

[1] *Morning Chronicle*, Sept. 5th, 1844.

'humoured letters, which do not seem to indicate perseverance 'in his denunciation of the reversal. He was too late for the 'steamer, and went to Walmer Castle, whence he wrote to me on 'Friday. His new *Review* promises to be a rich treat.[1] He 'says—"No. 1 must be dull, for I wrote half of it in the last ten '"days." I infer just the contrary.

'But I must not digress too much from *our* subject—the 'selection of juries in Ireland. I firmly trust that what we 'have done may lead to a purer system, and a better state of 'feeling. 'Always truly yours,

'DENMAN.'

Two other cases of importance in which Mr. Hill was engaged, may be briefly mentioned here. He was one of the counsel for the Crown in defence of the appointment of Dr. Hampden to the See of Hereford. The opponents impugned the uncontrolled right of the Crown to appoint bishops, which, with one unimportant exception, had remained unchallenged for nearly three centuries.[2] Having failed to prevent Dr. Hampden's confirmation, his opponents hoped to obtain their object by a writ of Mandamus; but again failed, and there the matter rested. Mr. Hill's speech against the granting of the Mandamus went deeply into the history of the subject, but was of too learnedly legal a character to have interest for the unprofessional reader.[3]

The second cause referred to was the Braintree Church-Rate Case. This Mr. Hill argued at great length for the plaintiffs, the opponents of the rate, in the Court of Exchequer Chamber, whither it had been carried by Writ of Error from the Queen's Bench. The decision was against him, but by only a single vote. Having so nearly attained success, the plaintiffs in error were encouraged to carry the question up to the House of

[1] The *Law Review*, established to be the organ of the Law Amendment Society.

[2] Blackstone's *Commentaries*, Book i.

[3] It is given at full length in *A Report of the Case of the Right Revd. Dr. Hampden, D.D.*, by Richard Jebb, Esq., M.A. London: Benning and Co., 1849, which contains an elaborate account of the whole matter. See also *Sub Rege Sacerdos. Comments on Bishop Hampden's Case, &c.*, by E. T. Creasy, M.A. London: Taylor and Walton, 1848.

Lords. It was there finally decided (after Mr. Hill had left the Bar) against the validity of the rate. From that time the refusal of Church-rates became common, and ultimately the impost was abolished by Parliament.

The principal opponent of the Braintree rate was Mr. Samuel Courtauld. When the victory was gained, he repaired the fine old church at his own expense.

Heavy Parliamentary practice decided Mr. Hill to quit the Circuit after the Spring Assizes of 1846; but this was not until the overwhelming labour which preceded the step had told seriously upon his health. Bodily feebleness, and extreme mental depression, afflicted him for many months. The vacation was utilised, so far as he could be prevailed upon to rouse himself to the effort, in rambles in England, accompanied by his wife and children, and made with his own carriage and horses. He was fond of this method of locomotion, and his almost boundless reading affording information about every spot he visited, was, to his companions, a constant source of enjoyment and instruction. A nephew (the late John Howard Clark, of South Australia) thus recalled a delightful journey from Birmingham to London in 1846:—'I saw more of England in those five or 'six days than I ever did before or since, with my uncle's wonder-'ful store of knowledge at hand to illustrate everything we be-'held. I well remember the surprise and delight with which, 'standing on the brow of Edgehill, I listened as he described to 'me the incidents of the battle, pointing out the disposition of 'the rival forces, the plan of attack, and the village of Kyneton 'in the distance, the plundering of which by Prince Rupert's 'cavalry cost the King's side so dear.'

The Continental Revolutions of 1848 had their faint echo in England, in the Chartist demonstrations; while the French republican shibboleth was repeated here by many who failed utterly to appreciate the meaning of the noble words they were dragging through the dirt. In a Charge delivered a few days after the memorable 10th of April, Mr. Hill defined their true significance. 'Let us love, and admire, and ardently cultivate '"Liberty, Equality, and Fraternity." They are great names for

'great things. But they must be clearly understood. By liberty 'I understand full protection to every man who is doing right— 'protection in his person, in his property, and in his reputation. 'But I do not understand by liberty, freedom to do wrong. 'Every man sitting under his own vine and under his own fig-'tree, with none to make him afraid, presents a delightful 'picture of civil liberty. But every man plucking his neigh-'bour's grapes, and hewing down his neighbour's fig-tree, is a 'type of anarchy; and anarchy is the father of despotism.

'Equality is a great good; but what ought to be signified by 'this watchword—equality of stature, of strength—a similarity 'in the physical condition of one with another? Against 'that equality "the Eternal hath set His canon." Can we 'find equality in the inner man? Assuredly not, for we have 'only to open the eyes of our understanding to be convinced 'that differences in the outer man, great as they are, count 'as nothing in comparison with the vast inequalities resulting 'from diversities in the structure and cultivation of the mind. 'Now, when we know that it is to the powers of body and 'mind that property owes its existence, and when we see in 'what very different proportions it has pleased God to dispense 'these faculties among us, His creatures, is it reasonable to 'believe that, while one individual differs so much from another 'in his capacity for creating property, it can fall within the true 'scope of legislation to take away from the large earnings of the 'skilful, the industrious, and the provident, to make up the 'deficit of the inexpert, the slothful, and the prodigal? . . . . 'But there is an equality which has been better understood, 'and more thoroughly attained, in our own favoured country 'than in any other portion of the globe. It is that equality before 'the law which recognizes no distinction of ranks—that by 'which the poor man's right to his cottage stands as secure 'from invasion as the rich man's right to his mansion. Here, 'then, is a privilege to be most earnestly coveted. Let us each, 'in our respective stations, do our best to make it as perfect 'in its practice as it is noble in its theory.

'That fraternity which teaches us to look favourably on our 'brother's claim to some share of our abundance, is excellent.

'But that which fixes our attention on what we may demand from 'him to add to our own store, is worthless. Unfortunately, poor 'human nature is sorely tempted to think much of rights and but 'little of obligations. In a healthy state of morals, the minds of 'men will be more frequently impressed with what they owe to 'others, than with what others owe to them. . . . Let us this 'day in the performance of our official duties, give proof that 'we know how to apply the principles couched in the three 'words, Liberty, Equality, and Fraternity.'[1]

The outbreak, in June, of Red Republicanism in Paris, and the dread lest the extreme party though subdued for a time might again plunge France into civil war, deterred the usual flock of summer tourists from repairing to her capital. It was with some difficulty that Mr. Hill prevailed upon his wife to accompany him in visiting the scene of the recent revolution which he was himself eager to see.

To Miss Phillips.[2]

'HÔTEL WINDSOR, PARIS, *Sept. 16th*, 1848.

'We conquered our fears at Calais, and instead of exploring 'the Meuse we came here, and have, I believe, forgotten we were 'ever afraid. . . . All the world, that is all the world that can 'obtain tickets, goes to the National Assembly. I have been in 'my capacity of *ancien député du Parlement d'Angleterre;* and, as 'there is some difficulty in the matter, Mrs. Hill and Florence 'have, of course, determined that they shall die miserably unless 'they go also.

'To receive their 900 representatives the French have built a 'commodious theatre of wood, in which everything may be seen, 'but little or nothing distinctly heard. I sat in a box opposite 'the tribune. There I saw Thiers, and now and then caught a 'word or two of his speech, which was very successful. I ob-'served him through an opera-glass. He is a little grey-headed 'man, vivacious even for a Frenchman; he indulges in violent

[1] *Repression of Crime*, p. 113.

[2] This lady, a few years later, became the wife of M. Lucien Davesiès de Pontès, a graceful writer in the *Revue des Deux Mondes*. She was the author of *The Poets and Poetry of Germany*, and other works.

'gesticulations of an angular character, and hops about the 'tribune in a very droll manner, between his handkerchief in one 'corner and a glass of water in another, to both of which he 'makes frequent application. Reduced by distance, the tribune 'and the orator, with his skips and his jerks, reminded me of 'Punch and his puppet-show. All this, however, is of little 'consequence; he is a man of great talent, gives great weight to 'the right side, and has contributed very much to the victory 'which has just been obtained in the Assembly over the So-'cialists. The question was whether the Constitution in its 'preamble should, or should not, declare the right of all citizens 'to be supplied with employment by the State—the real matter 'in dispute being, I believe, whether or not assistance should be 'demandable of right, without putting those demanding it into 'the position of receiving charity. I do not think this distinction 'was very accurately stated by any of the speakers, but I think 'it was instinctively appreciated by the Assembly. A right to 'demand aid from the State, the receipt of which shall not lessen 'the political rights, and lower the social position of the demand-'ant, is, in truth, however that truth may be concealed, some form 'of Socialism; and I consider, therefore, the result of the debate 'to be the repudiation of the principle of Socialism, by the uni-'versal suffrage of France. There was no division.

'So far so good. But people are gloomy about the future, and 'not without reason. It was a clever move to *enrégimenter* the '*gamins* of Paris, and set them fighting on the right side, who, as 'fight they must and will, would assuredly have been defending 'the barricades, if they had not been employed in attacking 'them. The retainer for the Government made all the difference. 'Against this *I*, of course, can have nothing to say [alluding to 'his patent of precedence]; but, whether from the necessity of 'the case, or a blunder, I know not, the fact is that these young 'monkeys, who range from fifteen to twenty years of age, receive 'double the pay of the regular troops. . . . The spy system seems 'at an end; people canvass the merits of their governors, past 'and present, as if they had no fear of compromising themselves 'by their openness.[1] The press is still subject to a despotic

[1] Such liberty of expression disappeared under the Empire. In the summer

'power of suppression, but I see no traces of *gêne* in the writers. 'Indeed, they talk too loudly of their miserable condition to be 'much oppressed by it—chains rattle much more on the stage 'than in dungeons.

'Of the trees of liberty you have heard much. They are 'generally starveling poplars, each standing on a plot of ground 'about as large as a schoolboy's garden. One stands shiver-'ing on each side of the magnificent column in the Place 'Vendôme. Sometimes we see them solemnly guarded by 'a sentinel, probably to prevent old women who are on the look-'out for firewood from plucking them up and carrying them off, 'with their contingent of dirty rags and begrimed ribbons. . . . 'Of course the word "Royal" is banished; but that's not 'enough. The Théâtre Français, which I have known for the 'greater part of my life under that name, has become the Théâtre 'de la République, standing not in the Palais Royal, but in the 'Champ National. The performers at the Théâtre Français 'took their revenge on the Executive Government—whether in a 'spirit of innocence or malice I don't know. But you will re-'collect that the private affairs of several of the members are 'said not to be in a flourishing state. Since the Revolution, 'when they play the *Cinna* of Corneille, which they do fre-'quently when Rachel is in Paris, they always omit these two 'lines—

'"Un tas d'hommes perdus de dettes et de crimes,
'"Que pressent de mes lois les ordres légitimes."

'much to the amusement of the opposition journals.

'M. D. HILL.'

of 1858 Mr. Hill was dining with a gentleman, belonging to the Legitimist party, and some members of his family, at a restaurant in Paris when the subscription to Lamartine was mentioned. His host told how the Emperor had headed the list with an insignificant sum, and, as etiquette forbade any one to exceed his Majesty in liberality, had virtually crushed the undertaking—'In fact,' Lamartine had exclaimed, 'the Emperor was my Orsini!' During the relation of the anecdote the waiter was in and out of the room. The narrator stopped speaking whenever the man entered, resuming the story when he was gone, and explained that it would not be safe to speak of such things in his hearing.

From Paris Mr. Hill went southwards, visited the Le Chevaliers, and had a glimpse of many places interesting to him in various ways—Chinon, with its majestic castle, where Joan of Arc's first interview with Charles VII. took place; the cheerful little town of Luines, the home of Paul Louis Courier—a favourite author; Saumur, the scene of *Eugénie Grandet*, with its 'hilly, narrow, and tortuous streets, always dry and always 'clean,' its door-knockers resembling 'great notes of exclama-'tion,' and where 'la maison à Monsieur Grandet' was assiduously sought; the wonderful dolmen at Pontigny, a mile or so from Saumur; Angers, with its 'flinty ribs,' recalling Shakspere's *King John*, and its military school, where Wellington studied; and, chief of all, Mettray, now seen for the first time, but often to be revisited.

Soon after his return from France Mr. Hill was at Brougham Hall. Some of the anecdotes related in conversation found their way into letters to his family. Here is one:—'Brougham gave a dinner to Sir Walter Scott, and asked Wel-'lington, Croker, and John Bankes to meet him. Scott was the 'hero, and was expected to talk, but Croker went off at score, 'and nobody could edge in a word. Bankes, a rival talker, did not 'attempt it, but worked hard at his dinner, watching neverthe-'less his opportunity. At length, Croker left an opening, into 'which Bankes rushed, and held it for a long time. At last, 'however, Croker getting another innings, addressed to the Duke 'a full narrative of the battle of Waterloo, correcting him when, 'by signs, Wellington showed that he had the presumption to 'differ from his teacher. From Waterloo, Croker got to percus-'sion caps. But now he was on forbidden ground. "Croker," 'exclaimed the Duke, "you may understand the battle of '"Waterloo, but I'll be d——d if you know anything of copper '"caps!" Alas! alas! how writing to the sex draws one into 'chatter with the pen!'

Mr. Hill's acquaintance with the present Lord Norton, which soon became a warm friendship, dates from this period. To him his last letters on public affairs were addressed, and referred to a change, proposed in 1872, in the administration of Industrial

Schools. The establishment of some such schools, and their support from public funds, was more or less foreshadowed in Mr. Adderley's Essay, which Mr. Hill now comments upon.

To Mr. Adderley, M.P.

'HAMPSTEAD, *Dec.* 18*th*, 1850.

'I am going again through your interesting Essay with undi-'minished pleasure, and if I appear over critical in my remarks 'pray attribute my freedom to a desire to see that which is so 'good made perfect.

'The difficulties as to the training of the destitute are, I think, 'not altogether met by your observations. I heartily wish you 'may be a true prophet with regard to a school rate; but even 'you, I suppose, do not contemplate the State affording diet 'and lodging, except to the destitute; or to those who are worse 'than destitute from being exposed to the evil example and 'misgovernment of bad parents. These must be maintained as 'well as taught; but, if so, the parents—in the cases in which 'there are parents—although they might contribute to the rate, 'would draw a much greater advantage than other parents 'would do whose children received only instruction, and, to 'meet this difference, ought (it would seem) to pay for the 'maintenance of their children, or towards their maintenance, 'according to their means, by a special contribution beyond 'the rate.

'I could wish that your striking mode of putting the question 'of National Education were longer dwelt upon. Government 'has not the choice (you say in substance) between a well-'ordered education, and no education at all; but between the 'education afforded, on the one hand, by schools, &c., and salutary 'influences arising out of circumstances so arranged as to create 'a wholesome moral atmosphere; and, on the other, neglect of 'instruction, and neglect regarding those influences which *laissez 'faire* (misapplied) permits to become the great teacher of the 'people. In other words the choice is not between good educa-'tion and none, but between education positively good, and 'education positively bad.

'M. D. HILL.'

To the Same.

'HAMPSTEAD, *Jan.* 11*th*, 1851.

'Your letter is replete with melancholy truths—a Demetz 'or a Watson, [Sheriff Watson, of Aberdeen] like the poet, '*nascitur, non fit;* and yet these men not only do good in their 'own sphere, but they raise the general average of well-doing.

'Charles Mackay called at my chambers yesterday. He 'writes the letters in the *Morning Chronicle* respecting Bir- 'mingham, which he is studying very thoroughly, as he has 'done Liverpool, about which he also wrote in the same journal. 'He has a fund of knowledge of the labouring classes. He is 'going to Birmingham to-day, and will be at the Stork. I think 'you would enjoy an hour's talk with him.

'I read your observations on the Manchester palace [the 'gaol], and the monstrous folly of turning buildings which ought 'to be as little costly as will answer the purpose, into sumptuous 'edifices—to the disgust of all thinking people—to my brother 'the Inspector of Prisons. He has testified against such abuses 'by his *Reports* any time these fifteen years, and rejoices in ob- 'taining such a potent ally.... I am afraid the panoptigon form 'of building is a mistake. It is very inconvenient, very costly, 'and open to other objections which are too numerous for a 'letter.

'M. D. HILL.'

CHAPTER XII.

Appointment to Commissionership in Bankruptcy—Acts of 1861 and 1869—Removal to Bristol—Ashton Lodge—Beauty of the Neighbourhood—Visitors—Guild of Literature and Art—Mrs. Chisholm—Lady Noel Byron—Macaulay—Mr. Samuel Lucas—Death of T. W. Hill—Law of Evidence Bill—Tour in Italy—Wet Season—The Madiai—Naples—Vesuvius—Sir James Hudson—Birmingham Gaol—Captain Maconochie—Criminal Procedure—Removal to Stapleton—Its Surroundings—The French Prison—Mrs. Trollope—Hannah More—Heath House—A "Claimant"—Rev. W. H. Channing.

In the Spring of 1851 Mr. Hill was appointed Commissioner of Bankrupts for the Bristol district. The District Bankruptcy Courts ranked as "superior Courts," and appeals from them lay direct to the Supreme Court of Appeal in Chancery. A judge in bankruptcy has to deal with a variety of intricate questions requiring for their satisfactory solution not only legal ability but sagacity, and a knowledge of commercial affairs. That Mr. Hill's judgments carried unusual weight may be gathered from the fact of their having been frequently cited in other district Courts; and they were rarely reversed on appeal. Indeed for several years after his appointment not one had been set aside. 'I don't know 'how it is, Hill,' remarked Lord Justice Knight Bruce, 'but we 'can't manage to upset any of your decisions.' 'Nevertheless,' answered the Commissioner, raising a hearty laugh in his old friend—'I do my best to give you a chance—I always try to 'be right.'

It has been found extremely difficult to frame laws regulating the perplexing and painful subject of bankruptcy, which shall be just, effective, and at the same time popular. Hence, probably, the dissatisfaction of the public with existing legislation, and the frequent efforts for its improvement. Of the

defects in the law he was called upon to administer Mr. Hill speedily became aware, and gladly took part in the labours of the Bankruptcy Commission of 1853-4. This included among its members, able lawyers, and men of high position in the commercial world. Its suggestions, had they been adopted, would probably have placed the law in a satisfactory state, very different from that in which it has been left by the Acts of 1861 and 1869. Though not agreeing with the general principle of the former measure, Mr. Hill gave his aid to the Attorney-General in improving it, and succeeded in introducing some useful clauses. He was not invited to take part in framing the Bill of 1869, and had no share in it.

The appointment to the Commissionership required Mr. Hill to live near Bristol. The change from the busy whirl of London to the more tranquil existence of the country was most grateful to him. To his sister he writes—'My health has improved 'already, although my cessation from the anxieties of the Bar 'is not more than three weeks old.'

To Margaret Hill.

'CLIFTON, *April 4th*, 1851.

'. . . I have found a temporary dwelling which I think will 'suit us to a T. I went down to the water-side [the Avon] and pro-'ceeded eastward along the bank of the river to Rownham Ferry, 'crossed, and walked through green lanes to Bower Ashton, where 'little Jem's mother lived, in *Lazy Laurence;* asked a group of 'school-boys and girls which was the strawberry garden, and 'instantly twenty little fingers shot forth in the direction of a 'gate hard by. I sadly missed the widow and Jem, and the old 'horse! I then pursued my way, across the park of Ashton 'Court, to Long Ashton, a straggling village stretching itself 'along a turnpike road leading to Clevedon.[1] It is one of those 'pretty assemblages of dwellings which we have so often 'admired in the west of England—the buildings of stone, neat 'cottages, and good middle-class houses. The mansion of the 'place is Ashton Court, and the next in rank is Ashton Lodge;

[1] Warton calls it—'Ashton's elmy vale.'

'a gem of a residence, if I am not more mistaken than I ever 'was in my life. Well, now I want you to come down and see 'this little paradise, for such it is—I never saw a place so made 'for you. I could live very well at Clifton, but you could not; 'there are no detached houses, or very few—none to be had, 'and no gardens large enough to whip a cat in.

'M. D. HILL.'

Ashton Lodge pleased Mrs. Hill as much as her husband, and there for a time they fixed their abode. Their intense enjoyment of the country was fully gratified by the beauty of the neighbourhood—with its lovely valleys, smiling meadows, pretty villages, winding lanes and flowery hedgerows, its bolder wooded hills, open downs, and shady combes, affording a perfect type of West of England scenery. To these inland and rural beauties, both sea and mountain added their charms. By climbing the hill which rose behind Ashton Lodge, a fine view of the Bristol Channel and the Welsh mountains was obtained.

The comparative leisure of this summer and autumn, spent in showing the beauties of the neighbourhood to the many guests received at Ashton, marked a happy interval of rest for Mr. Hill, between the breaking away from old engagements and the undertaking of new self-imposed tasks. Among the visitors were old friends, including the Le Chevaliers, whom as it proved were now seen for the last time. Many distinguished names came to be associated with this sojourn at Ashton Lodge. The Guild of Literature and Art performed at Clifton in 1851, and many of the members of the brilliant little company passed the best hours of a bright November day with Mr. and Mrs. Hill.[1] Mrs. Chisholm[2] and Lady Noel Byron, fellow-workers in the

[1] Dudley Costello, F. W. Topham, R. H. Horne, Robert Bell, Augustus Egg, Charles Knight, and Douglas Jerrold were among the number.

[2] Mrs. Caroline Chisholm was the wife of an officer in the army. Going from India to Sydney to recruit her health, she found existing there gigantic evils consequent upon the accumulation of convicts and emigrants in the city. This arose from the lack of organisation for sending them up the country where work in abundance awaited them. With extraordinary energy and self-devotion she herself supplied the organisation required. During the seven years she resided in the colony she provided for the migration and employment of 14,000 persons. In acknowledgment of her services the Government of New South Wales awarded

reformatory cause, were also their guests; and in the summer of 1852, Macaulay, then staying at Clifton, came to Ashton Lodge. Mr. Hill had recently made the acquaintance of the late Mr. Samuel Lucas, and had been impressed with his mental likeness to the eminent historian, at the period when he had first known the latter. Soon after Macaulay had been at Ashton Mr. Hill sent him a copy of Mr. Lucas's Newdigate Prize poem, remarking that, though he concurred with Macaulay's opinion long ago expressed, that, in general, prize poems were fit for nothing but to light the candles made from prize sheep,[1] yet he believed this one might be considered an exception. Macaulay's letter acknowledging the poem expressed so high an opinion of its author's powers that on Mr. Hill sending it to him, he asked permission to retain it. Before the bright career which soon opened to Mr. Lucas in the literary world, was closed by premature death, he had, it is believed, contributed to the *Times* that review of the *History of England* of which Macaulay wrote in his diary (Monday, December 17th, 1853)—'An article on 'my book in the *Times;* in tone what I wished, that is to say, 'laudatory without any appearance of puffing.'[2]

Shortly before Mr. Hill removed from London he had lost his father, who died at the age of eighty-eight.[3] Writing to his sister he says:—'He made me his companion from my earliest 'infancy, and even now I find myself considering how he would 'view a subject, and, (what causes a pang when I wake from my 'day-dream), I find myself still reserving anecdotes, especially 'those of a humorous kind, to tell him at our next meeting. 'His life was my chronology. This event was so many years 'before my father was born—this event occurred when my 'father was so old. Did he remember it? He was too young. 'But he was precocious. So unconsciously (very often) I rea- 'soned, and so I shall, from habit of mind, continue to reason 'until I am laid beside him. Our mutual relation was peculiar.

her a grant of 3,000*l.* Subsequently she devised, and for some time conducted, her system of Family Colonisation. She died in 1877.

[1] See Essay on the Royal Society of Literature.—*Knight's Quarterly Magazine.*

[2] *The Life and Letters of Lord Macaulay.*

[3] A memoir of Mr. T. W. Hill appeared in the *Annual Report*, for 1852, of the Royal Astronomical Society, of which he was a member.

'I was the child of his youth—and, practically, we were much 'nearer in age than even that proximity would make us. His 'firmer health, his robust mind, his higher animal spirits, kept 'him young in spite of years; while the accidents of his position 'held him apart from those fierce struggles in which I have 'been, for so large a share of my life, engaged. We were there-'fore more like brothers than father and son.

In a letter of this date he congratulates Lord Brougham on his triumph in the "Law of Evidence Bill."[1] 'In my opinion, 'formed more than thirty years ago,' he says, 'it is the greatest 'single improvement which the law is capable of receiving; and 'it will have the effect, I have no doubt, of expediting many 'other improvements of great value. On the other hand, if 'amendment were even to stop, I believe the new law of evi-'dence would make many things easy to bear which are now 'most onerous. If any party is injured by the operation of the 'Bill, the presumption is that his injury consists in losing some 'advantage to be gained either by the *suggestio falsi* or the '*suppressio veri*.'

'Those who are, in general, best acquainted with the facts 'which it is the object of the trial to establish,' elsewhere wrote Mr. Hill, 'have been hitherto prevented from speaking in their 'own behalf, and from being questioned in behalf of their 'opponents. This rule of practice has been persevered in, from 'the assumption that the testimony of plaintiff or defendant 'was so sure to be false, that it would be a waste of time and a 'misleading of the judge and jury, to hear it. Cross-examination, 'on which so much stress is laid, when it is desired to glorify 'our method of trial, was here rejected, as furnishing, it was 'thought, no safeguard. Moral and religious obligations to 'speak the truth were treated as of no power over the mind of 'the interested witness; and the law of England aspersed all 'men as being utterly untrustworthy: while, at the same time, 'it would have punished each for a libel, if he had applied to 'individuals the stigma thus fixed upon the body at large.'[2]

[1] An Act to enable the parties to a suit in civil cases, to give evidence. It came into operation November 1st, 1851.

[2] "Bringing out the Truth."—*Household Words*, October 4th, 1851.

At the end of August 1852, the Queen and the Prince Consort visited Birmingham. After taking his part as Recorder in receiving them, Mr. Hill joined his wife and daughters for an autumn tour in the North of Italy. The summer had been abnormally wet, and bad weather pursued the travellers for many weeks. This had an unfavourable influence upon his health. An attack of bronchitis caught in crossing the Alps clung to him in Italy, and so seriously affected him at Florence, that his physician forbade him to return home until the winter was passed.

At the time of his stay in that city, widespread indignation had been excited by the persecution of the Madiai, husband and wife, who had become converts to the Protestant faith. In the preceding June they had been convicted of 'impiety by 'means of proselytism,' and of 'publicly insulting religion;' and had been sentenced to long terms of imprisonment, and to pay the cost of their prosecution. Appealing against their sentence, their counsel pleaded that, even admitting a *quasi* 'publicity,' yet that being a minor offence, entailed a slighter punishment. His argument produced such an impression on the *Avvocato Generale*, on whom the duty fell of maintaining the prosecution, that he not only gave up the complete 'publicity,' but made a powerful appeal in the prisoners' favour, which however, failed to obtain a mitigation of their sentence.[1] 'This honourable conduct of the '*Avvocato Generale* will easily induce us,' Mr. Hill humorously remarks, 'to pass over, as a trifle, his imperfect acquaintance with 'our Protestant institutions, which led him to state that the 'Bible Society was founded by the French in 1792, and came 'into England after the extravagances of the fanatic Joanna 'Southcote!'

Writing to Lord Truro, he says, 'Being interested in the case 'of the Madiai, I obtained from our Minister and others, intro-'ductions to Tuscan lawyers—Salvagnoli, the foremost man at 'the Tuscan bar for one, and Maggiorani, the zealous and able 'advocate of the Madiai, for another. Through them I got

[1] In February 1853, the Grand Duke of Tuscany, shrinking from the obloquy brought upon him by such unmerited harshness, suddenly liberated the Madiai on condition of their going into exile.

'Italian histories, and law books, and, what with my daughters' 'assistance, and that of their Italian master—who, hating the 'Austrians, the Grand Duke, the Pope, the priests, and all things 'that were, as most of his compatriots do, was very ready to faci- 'litate my enquiries—I got on, and learnt to read the language 'with tolerable ease. And what with reading and talking to my 'Italian friends of the law, generally through the medium of a 'sort of French not much spoken at Paris, I made up my mind, 'as *inter nos* I have done on former occasions, that the judges 'were both rogues and fools; and I half killed myself with writ- 'ing a mass of stuff to prove that agreeable proposition to their 'perfect satisfaction, if they should be so rash as to read it.'[1]

To Frederic Hill.

'NAPLES, *March 7th*, 1853.

'. . . The weather here seems to promise better things than 'we have yet had. To-day has given me a new idea of Italian 'landscape. The Bay of Naples has presented a scene of mar- 'vellous beauty, to which the pencil of Claude or Salvator Rosa 'would do but scanty justice. My health, which varies with the 'weather, is now improving, and my thoughts are turning home- 'wards. *They* indeed have been but little abroad. I excited the 'astonishment of my banker by reading to him the Post Office 'Return which you sent me. To-morrow I mean to show it to our 'Minister, Sir William Temple. I had, however, seen it myself in a 'Neapolitan newspaper, as I think; certainly in an Italian journal. 'If all the rain which I have witnessed since I left England 'had been concentrated into forty days, we should have had 'another deluge; and I, and the ark, should have rested at 'the top of Vesuvius, which, *par parenthèse*, we ascended on 'Thursday last, and had the pleasure of standing in a hailstorm, 'coughing out a poisonous vapour which prevented us from 'seeing half-a-dozen yards before us. Thus our notion of the 'crater is of a great pit full of smoke, which it wouldn't do very 'well to tumble into. 'M. D. HILL.'

[1] The 'mass of stuff' appeared in the *Law Review*, February and May 1853, under the title of "Tuscan Jurisprudence."

Passing through Turin on his return to England, he made the acquaintance of Mr. (afterwards Sir James) Hudson, with whom he long maintained friendly correspondence. Mr. Hill's youngest son, writing to his mother in April 1861, says:—'I 'have been very kindly treated by Sir James Hudson. . . . While 'at dinner speaking of the eminent men of our country, he said to 'his other guests, "Mr. Hill's father, whom I have the honour of '"holding in friendship, is an example for you Italians. He has '"given his leisure, his health, and his old age, to benefiting his '"fellow-creatures. For years he has worked, and been pressed '"down by persons of opposite opinions, simply because he was '"before his age. Struck by his perseverance, I obtained his '"writings, and soon found that I must commence at the be-'"ginning, if I were to understand his philosophic views of his '"subject; and much do I rejoice that I did so. His works are '"now being generally appreciated; and few men are so well-'"esteemed by thinking Englishmen as that young man's '"father." This was said in French, and has suffered by my 'translation; but such it was, as closely as I could follow it. Of 'course an Englishman is popular, and esteemed here, simply for 'his country's sake; but when he is also a philanthropist, and 'eminent among his fellow-countrymen, he is more highly held. 'As Recorder of Birmingham my father is a good deal known 'among Italians who read the English newspapers.'

Mr. Hill reached home, on his return from Italy, early in May. Circumstances of a most distressing nature soon engaged his attention. The appointment of Captain Maconochie to the Governorship of Birmingham Gaol in 1849, had been hailed by the Recorder as a benefit to the town, and, through it, to the country at large. Henceforth he had hoped to have the satisfaction of witnessing the progress of an enlightened experiment in prison discipline. But this hope was disappointed. Captain Maconochie was dismissed in 1851. His treatment was considered by Mr. Hill and other friends as undeserved, and on his quitting the town they presented him with a purse containing £250. His successor, though not without good qualities, was totally unfit for his post. He relied on pain as the great instrument of his government, and had used

it so relentlessly that, in the course of fifteen months, twelve attempts at suicide had occurred among the prisoners, three of which had resulted in death. 'Unless this state of things is 'thoroughly changed,' wrote the Recorder to Mr. Adderley, 'I 'must resign my office. I will not minister to the cruelty of 'sending my fellow-creatures to such a dread abode.' Universal indignation was aroused; and a Royal Commission of Enquiry was appointed. Its labours resulted in the trial of the Governor and the Surgeon for illegally assaulting certain prisoners. They were convicted, and the Governor underwent a sentence of three months' imprisonment. Mr. Hill reviewed these transactions in his October Charge, using them as a text for an eloquent exposition of the principles which he believed should prevail in the treatment of prisoners, as free on the one hand, from needless severity, as on the other, from false indulgence.

Late in the session of this year Lord Brougham delivered in the House of Lords two speeches, one on the Irish Common Law Procedure Bill, and the other on County Courts and Law Amendment. The following letter acknowledges a reprint of them in pamphlet form :—

To Lord Brougham.

'ASHTON LODGE, *Sept. 16th*, 1853.

'I have gone through your two speeches with the greatest 'interest. They ought to furnish the newspapers with excellent 'materials for showing the people both what has been done, and 'what remains to do. Mainly by your labours the people and 'the Legislature are come to look upon law-making as an experi-'mental science, and it follows as a corollary from that principle 'that the parties to a suit should, collectively, have an option 'given to them, as frequently as it can be safely introduced, *e.g.* 'trial by judge instead of trial by jury, unlimited jurisdiction, 'jurisdiction qualified by the agreement of the parties, &c.

'The maxim that consent cannot give jurisdiction, seems to me 'foolish and pernicious. The very opposite ought to be the rule. 'How inconsistent it is that parties may bind themselves by an 'agreement to give almost unlimited jurisdiction to a private 'arbitrator, whose means of enforcing his jurisdiction must

'necessarily be confined; while the judge or public arbitrator, 'with ample means of vindicating any jurisdiction confided to 'him, can receive none by consent, except in the few cases 'provided for by specific enactments![1]

'Two most important advantages would, I think, be secured 'by a wide extension of a power to the collective parties to mould, 'according to their own will, their own litigation. First,—The 'Legislature would learn, by watching the course taken by the 'public, what the public found by experience to be suited to its 'wants—a result in itself most important as a guide to legisla-'tion. Law-makers would watch the natural course of the 'stream, widen or deepen the river as the case might be, and re-'move impediments below, as the ripple on the surface pointed 'them out. Second,—When a course of proceeding has been 'the choice of the parties themselves, they feel that they must not 'complain of results; and consequently justice is more satisfac-'torily administered than where the line of action is matter of 'coercion.

'But besides the option given to parties collectively, I am by 'no means averse from allowing the existing option to plaintiffs 'to choose their court, to continue. In a good state of the law, 'both as to the code of rights and the code of procedure, the 'plaintiff would, in a vast proportion of cases, be in the right; be-'cause his chances of success, when in the wrong, would be very 'small. His interest would, therefore, be to choose the best 'court, *i.e.*, the best judge. Consequently, a continual affluence 'to a particular judge would furnish to the Government an un-'erring guide for promotion; and, in order to facilitate this result, 'I would take away from the parties collectively, all local re-'straints of jurisdiction; perhaps subject to certain regulations 'regarding costs. An extended power of choosing the judge 'might be given to plaintiffs without the concurrence of the 'defendants. This latter suggestion, however, is of doubtful pro-'priety, and I do not insist upon it.

'But when a judge is chosen by both parties, it is clear that 'emulation between judge and judge would have the most whole-

[1] The law has been altered. Now, by consent of both parties, the County Court has unlimited jurisdiction as to amount.

'some effect. Clearness of intellect, mildness of manner, learn-
'ing, impartiality, and facility of speech, with a due regard to
'despatch (and no more than a due regard to despatch), are judi-
'cial qualities which are good in themselves, and which will all
'find their way into the scale when two judges are weighed to-
'gether for choice.

'M. D. HILL.'

At Michaelmas of this year Mr. Hill quitted Ashton Lodge, removing to Stapleton, a village about three miles north-east of Bristol, where he spent the remainder of his life. Stapleton lies along the valley of the Frome, its houses sometimes descending the precipitous banks of the stream, while at others they climb the heights above. It is not without its historic interest. Cromwell passed a night there on his way to lay siege to Bristol. The building on the eastern side of the valley, afterwards used as a workhouse, but still spoken of as the "French prison," was a depôt for prisoners of war during our long struggle with France. Hannah More was born at the Grammar School at Fishponds (then part of the parish of Stapleton), of which her father was master. John Foster, the Essayist, at one time occupied a house at the entrance of the village, known as Milton Cottage. This name it had acquired as the residence of Mr. Milton, curate of the parish, the father of Mrs. Frances Trollope, the novelist; and she herself had dwelt there. Mr. Hill's new residence, Heath House, equalled Ashton Lodge in beauty of situation, commanding a wide expanse of wooded height and fertile pasture, through which winds the river Frome.[1] A green terrace, cool and shady on the hottest summer day, extending a furlong beyond the house, soon became his favourite walk in summer, exchanged in winter for the flagged pavement immediately beneath the windows. There he would pace up and down, discussing his favourite prob-

[1] Heath House is the property of Sir Greville Smyth, Bart. At the time Mr. Hill took it on lease, it was the subject of a law-suit which excited much attention. A man named Provis, who laid claim to the Smyth property, brought his action for Sir Greville Smyth's estate at Stapleton. The case broke down on the second or third day of trial. The claimant was committed for forgery, and convicted. He died at Dartmoor while undergoing his sentence.

HEATH HOUSE.

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lems, or pouring forth a rich flow of anecdote. A friend, (the Rev. W. H. Channing), thus expresses the common feeling of those who shared his strolls :—'I shall always recall 'with deep interest your father's talks with me on the grassy 'terrace of Heath House, and especially his sketches of Bentham 'and De Quincey, whom he has taught me to regard with added 'affection and esteem.'

CHAPTER XIII.

Festivals and Meetings—Life at Bristol—Popular Lectures—Bristol Athenæum—Education for Women—Female Novelists—Educational Soirées—Diocesan Trades' School—Patriotic Fund—Indian Mutiny—Garibaldi—Sympathy with Working-classes—Conversation and Reading.

THE bye-ways of travel and of history, apart from the main features of terrestrial discovery, and of man's story on the globe, have afforded material for useful and interesting books. And so are there aspects in the career of individuals, which, though subordinate to the main pourtrayal of their lives, present much that is entertaining and instructive. This was markedly the case in regard to Mr. Hill, when he had, so to speak, "taken "root" at Bristol, and the various claims there and elsewhere upon his time and strength had assumed their relative proportions.

When a young man he had written from the country home of friends he was visiting, 'they live in the style I have so often 'wished for—everything for comfort, and little for anything else.' He was able now to realize the ideal of early life, including a wide but modest hospitality. Except when his wife's failing health precluded their reception, guests were seldom absent from his roof; while he delighted to see large parties of humble visitors enjoying his beautiful grounds. In the first summer of his residence near Bristol the children of Miss Carpenter's Ragged School had had an entertainment on his lawn. The little festival soon became annual, and the series ended only with his life. He rejoiced to be able to gather round him for conference the supporters of the many social movements in which he laboured. These assemblages, indeed, were not limited to

the receptive capacity of his house. On fitting occasions he utilized the official building at his disposal, and the Bankruptcy Court presented more than once the unwonted scene of a *soirée*, at which representatives of all parties met by his invitation to discuss and to promote some cause for the general welfare.

Abstaining from politics, in consideration of his judicial position, and recognising no barrier in creed to his sympathy and aid, these were sought alike by Liberal and Conservative, Churchman and Nonconformist. Though making it a rule not to interpose in the public affairs of the city with which he had only late in life become connected, unless specially invited to do so, few questions of importance to Bristol were brought under the notice of her citizens during his sojourn among them, in which his co-operation was not asked; nor was it ever refused if strength sufficed. On occasions for the public expression of patriotism and loyalty, or the local discussion of imperial questions, in the receptions accorded by the ancient city to distinguished guests, in schemes for her improvement, in enterprises, whether proceeding from the municipality or from private individuals, for the moral or physical benefit of her population, at the annual gathering of her citizens to do honour to the "Man "of Bristol," Edward Colston, above all, in educational efforts of every kind, a post of honour and responsibility was awarded to him.

Thus his life, though less toilsome than formerly, was scarcely less busy. An early riser, and breakfasting always at eight o'clock, he read the morning's budget of letters and answered the more pressing ones, before starting for the Bankruptcy Court at ten. The intervals of official business were usually occupied with correspondence, or in conferring with those engaged in the same benevolent labours as himself. Frequently detained till late in the afternoon, there would still be work to be done after his return home, arising out of the contents of the newspapers, or from some call upon him for help that the day had produced —work often resumed in the evening hours. A speech in Parliament, or a signal of distress from those watching the vicissitudes of the Reformatory cause, might necessitate the immediate despatch of letters to numerous members of the

Legislature; or a leader in an important journal, upon any of his subjects, would demand from his pen a full exposition of the topic discussed—either to strengthen the editor's hands, or to point out errors into which he had fallen. Sometimes an article or pamphlet would appear that must be brought at once to the notice of the foremost disciples in the cause to which it related, and copies—several hundreds, perhaps—which Mr. Hill's carriage had conveyed home, would rapidly disappear through the adjacent post-offices, accompanied, in needful cases, by a *résumé* of the points especially requiring attention. 'Your promise,' wrote a friend, 'of a splendid example of idleness, given in 'a five-sheet note, dated on the day of receiving, and apparently 'reading through two very long papers, is rather a puzzle to 'me. If this is your standard of idleness to which you would 'wish me to conform when coming to you, wanting rest from 'work, I think, with your leave, I would rather go somewhere 'else.'

Mr. Hill had not been many months at Bristol before he was invited to contribute to the winter course of lectures at the Philosophical Institution, then delivered by volunteers. He chose for his subject the "Post-office," prefacing the narrative of his brother's reform by a rapid and picturesque survey of postal communication from its origin to modern days. This lecture he was frequently asked to repeat. It formed the groundwork of an address—in which he brought the information to the latest date—delivered by him at the Royal Institution in April 1862, and published in *Fraser's Magazine* of the following October. It was prepared with the care he bestowed upon his Charges, and, as was his habit with them, he read it, before delivery, to his home critics. On such occasions he freely accepted alterations which approved themselves to his judgment, while, if he rejected them, it was with some explanatory or playful remark. But advice given at home was sometimes superseded by higher authority. 'I went over my lecture with 'your Uncle Rowland,' he wrote, 'who suggested several 'amendments, which I adopted. He by no means gives in to 'the objections made to the peroration by certain injudicious 'persons, who shall be nameless—so that stands.'

A course of lectures on Italy was delivered for the benefit of the Bristol Ragged Schools, soon after his return from the Continent in 1853. The prevention and punishment of crime were treated in two lectures delivered the next year. But leisure was rarely at his command for the preparation he considered due to a subject so grave, and he generally chose topics he could illustrate from his reading and experience—apologizing to his hearers for offering them simply a "talk." Sometimes he would be asked suddenly to take the place of another gentleman prevented from delivering a promised lecture. On such an occasion his friend, Canon Girdlestone, declaring him to be 'brimful of sound information upon almost every conceivable 'topic, and possessed of the scarce and happy gift of imparting it 'to others,' likened him to a bottle of champagne—'You have 'but to draw the cork and there is the wine all bright and 'sparkling.'

Milton and Chaucer he treated at different times, his fine recitation making these subjects very attractive; and the same gift added to the charm of a lecture upon Macaulay, delivered a few months after his death, when Mr. Hill's reading of the "Songs of the Huguenots," the "Cavaliers' March to London," and the "Battle of Naseby," brought vividly before the audience the pathos, the fire, and the power of sarcasm which even these early efforts of their great author display. The address ended with these words—'While I linger among the monuments 'of Macaulay's genius, while I speak of him, and read his 'books, I feel as if he cannot have passed entirely away 'from our earth. It is in human nature to mourn our loss. 'We must grieve that Macaulay's hand will never trace another 'sentence to instruct or to delight. But let not repinings mingle 'with our grief. Let us accept with gratitude the whole inheri-'tance to which he has made us his heirs, in his works rich, 'ample, various, though incomplete. I lament the incomplete-'ness of that *History* although not blind to its faults, or 'to what I consider acts of injustice on the part of its author; 'but it is a noble and vigorous oak—destined, alas, never 'to arrive at its full growth!'

The opening of the Bristol Athenæum by Lord John Russell,

in 1854, was made the occasion by the citizens for giving a brilliant reception to the veteran friend of civil and religious liberty. Delivering the first lecture within its walls, Mr. Hill dwelt upon the principles necessary to its success, and to render it worthy of inauguration by a Minister of the Crown. He warned the student not to rely on lectures alone, which are not the beef but the mustard, the condiment not the pabulum of knowledge—he must also pursue his object in the class, and the library. In his next remark he touches upon a question which now holds a very different position from that it then occupied. 'All who supply the funds for an institu-'tion such as this,' continued Mr. Hill, 'ought to have a share 'in the management. This rule is violated by the exclusion of 'women from the governing body. I lament that the world 'deprives itself of a vast amount of talent, by preventing women 'from taking a more important part than is accorded to 'them in its affairs. The right limits for the employment of 'that talent it is impossible to predict, so much has the preju-'dice arising from unequal laws, and restrictive usages, operated 'to prevent its free development. But it cannot be doubted that 'each sex should pursue the occupations for which it is best 'qualified; and these can be ascertained only by throwing all 'open to both.' For the physician's profession he held women peculiarly fitted, and he told his audience that he rejoiced in the facilities America was affording for the necessary study. In the same spirit he, in after years, cheered by his sympathy the female students of medicine at Edinburgh, in their hard and, unhappily, fruitless struggle to secure a professional education.

Yet, if any being was more revolting to him than an effeminate man, it was a masculine woman. The high-flown adulation, indeed, to which the manners of the age of chivalry gave rise, he deprecated as overstrained and false. 'The more woman 'is treated,' he told his audience, 'as an affectionate and intel-'ligent companion, which she is, and not as a goddess, which 'she is not, the more surely will she attain her true position.'

Upon another occasion, after expressing his satisfaction that the Universities no longer stood apart, approachable only by the few, but came forward of their own accord to shed their advan-

tages broadcast over the land, he pleaded for the admission of women to a share in these benefits. 'There has been, I confess,' he said, 'great jealousy on our part, lest women should become 'more learned than ourselves; but I believe that it has 'so far diminished as to be now only entertained by the weakest 'members of my sex. If we go back far enough in the history 'of the world we shall find that this unmanly jealousy of our 'sisters seems, in former days, to have had no existence. Let us 'for instance study the history of the Italian Universities, and 'we shall find those seats of learning illustrated by the genius 'and high talent of many ladies who left behind them names 'which will ever live in their annals.'[1]

The "Female Writers of Fiction" was the subject chosen for a lecture in 1857, when Mr. Hill prefaced their enumeration from the time of Miss Burney, by remarking that to their works, affording harmless recreation in hours of rest, was chiefly due that refinement of our literature which was one of the happiest features of the period—a remark, it is to be feared, he would not have felt himself justified in making now, without serious modifications. Pointing out the characteristics of each, and citing passages from their works in support of his criticism, it was possible to discover, amidst his admiration of many, that his highest appreciation was awarded to the writings of Jane Austen—'a chrysolite without a flaw,' as he has been heard to designate them. These exquisite compositions, which have given rest to many an over-wrought brain, had already proved with him their power to soothe; and, to the end of his life, they retained it. Romilly, another sufferer from nervous tension, had recommended them to Denman, as he recommended them to Mr. Hill.[2]

[1] University College, Bristol, was the first to admit male and female students in Arts and Sciences on equal terms, so far fulfilling Mr. Hill's aspiration in behalf of women, on the very spot on which it was uttered, with a promptness he could hardly have dared to hope for, when he spoke.

[2] Another authoress, admired by Denman, was esteemed differently by Mr. Hill. 'One day when I was staying at his house, and Pollock was there too,' Mr. Hill related, 'the conversation turned upon Mrs. Radcliffe's works. They were ex-'travagant in their praise. "That is because you read them when you were '"children," said I. "I did not, and when, a few years ago, I looked at the '"*Mysteries of Udolpho*, I thought it miserable stuff." "Ah!" they exclaimed;

The lectures were sometimes given to village audiences, with a success which marked the speaker's power of interesting hearers of very various educational standing. A tour abroad would be described with a vividness that enabled the most ignorant listener to realize some at least of the peculiar features of foreign countries; or the lecturer's professional experience would be drawn upon to illustrate and make apprehensible those principles of jurisprudence which, as jurymen, still more as witnesses, the humblest member of the community may have to act upon. Observation as advocate and judge had impressed his mind with the difficulties which beset even the most truthful and disinterested, in giving, or judging of, evidence; and he strove, whenever there was a suitable opportunity, to bring home to others the terrible importance of the subject.

On one occasion the recognition, in the President for the evening, of a former client, showed the lecturer's readiness in profiting by an unexpected incident to interest his hearers. The gist of his discourse was that every phase of life presents some opportunity to each individual for developing the powers with which he is gifted, and for rendering their cultivation valuable to others. 'The opinion used to prevail,' he said, 'that each should keep to one pursuit, and that nothing but 'mischief could arise from his looking beyond it. It happens 'that we are honoured by the presence to-night, of a gentle-'man who is a living witness to the contrary. Many years 'ago our President, the Rev. Mr. Hardy, was discharging his 'duties as a clergyman in the neighbourhood of large Iron 'Works. Railways were coming into use, and many and terrible 'accidents arose from the carriage-axles breaking. Mr. Hardy 'turned his attention to axles, and at length invented one 'which it is absolutely impossible to break. I recollect, when I 'was engaged before the Privy Council regarding a patent for this

'"that's not the best." "Well, which is?" Both answered—"*The Italian.*" '"Tell me of some particular scene which you can 'rely upon' as we say in a '"cause." One suggested the death of Schidone, to which the other added— '"That's very fine." By and by we went into the library and I asked for the '"death of Schidone." They got the volume down and Pollock began to read. It 'was such trash, so commonplace and tawdry, that before he reached the end of the 'first page he flung the book away in disgust to the furthest corner of the room.'

'invention, Lord Brougham was so struck by its excellence that 'he said he thought the Directors of all Railway Companies who 'did not use it, and upon whose lines a fatal accident happened 'from an axle breaking, ought to be held guilty of manslaughter. 'It has been very generally adopted, and it cannot be doubted 'that it has saved many hundreds of lives. Few, indeed, 'have it in their power to confer so great a boon upon 'society as this; yet at the first glance, what would seem so out 'of keeping with the duties of a clergyman as the construction 'of carriage-axles!"

Mr. Hill thoroughly enjoyed the friendly meetings of a local Decanal Association of school masters and mistresses, at which leisure sometimes allowed him to be present. These assembled periodically, in the pretty villages round about, when after a Paper read by one of the company and a discussion upon it, teachers, clergy, and lay visitors, dined together. In like manner he would willingly spare an evening from rest, to take part in the *soirées* given by a Bristol Association to the teachers of the elementary schools of the city, whose opportunities for recreation were but few.

The cultivation of their mother tongue—'the language in 'which Milton wrote—in which the immortal Erskine defended 'the liberties of England,' he would often urge upon his hearers. 'Others,' he said, 'seem to value languages because they are 'dead; I would call upon you to value the English language, 'because it is living—because it is the language we must use 'amongst our countrymen, if we wish to address their intellects 'or their hearts; if we wish to instruct them; if we wish to 'move them; if we wish to affect them in any way, either for 'their own interest or for ours.'[1]

Another aspect of the same idea—the treasures of which a knowledge of their own language made them free—he presented by contrasting mere money with intellectual riches. 'The 'heritage of knowledge is not lessened by being diffused. 'Take our great authors, who, if everything else were lost, would 'suffice to show what the English nation has been—take Milton,

[1] Speech at the Annual Meeting of the Yorkshire Union of Mechanics' Institutes, held at Huddersfield in 1857—a meeting to which Mr. Hill often referred with intense satisfaction, as a remarkable testimony to the power of self-education.

'Shakspere, Locke, every man in England may possess them 'whole and entire![1] Divide the material wealth of England 'among her thirty millions, and it would be but a pittance 'to each; but the intellectual wealth of the country may be 'enjoyed by all, and none be made the poorer.'[2]

On these occasions he was addressing young men and women whose staple employment was industrial, their few hours of leisure only being available for study. But such a position is favourable to intellectual acquirement if only the leisure hours be not too scanty. Where the power of choice existed he still advised the combination of industrial occupation with mental culture. 'Give the boy, and the girl,' he said, 'that education 'which will be most useful to the man and the woman. Cultivate 'the powers of the body, as well as of the mind. In so doing 'you will not sacrifice the latter to the former; on the contrary 'their alternate employment has been found the best method of 'developing each. The reason is not far to seek. At no period 'of life, but emphatically not in infancy, childhood, or adolescence 'is the mind so constituted that it can long be kept in laborious 'occupation.' Thus, even for the children of the wealthy he advocated an intermixture of industrial with intellectual pursuits; while for all who are to earn their bread by bodily labour, he insisted on the necessity of including in the daily occupations of the school, that proportion of manual employment which gives the training necessary to secure handiness, and the love which success inspires, for any calling in which the child may hereafter embark.

Holding this opinion it was natural that he should sympathize with Canon Moseley's admirable scheme, by which the one National School originally established for the whole of Bristol, but superseded by parochial institutions, became in 1853, the first, as it long continued to be the best, of the technical schools

[1] Thanking Professor Craik for his *Memoir of Milton*, he says, 'You have 'written it in that reverent and filial spirit which becomes every Englishman 'who has the head to understand, and the heart to feel, his wondrous and 'surpassing excellence! We *are* his sons, and are different creatures from what 'we should have been if he had not lived, written, acted, and suffered. And 'has he not left us a noble heritage? For how many acres would you exchange 'your share of the *Paradise Lost*?'

[2] Speech at a similar gathering at Tamworth in 1853.

of England.[1] He gave his hearty testimony in favour of the plan, but at the same time guarded his words from implying that the education of the working classes should be limited to a training for industrial pursuits. 'Do not,' he pleaded, 'consider how to make them mere tractable tools for the creation 'of wealth, but raise their eyes to a higher position which shall 'give them all the happiness they can enjoy, now and hereafter. 'The tendency of political influence is to go lower and lower in 'the scale of society; and so long as it descends no more quickly 'than the capacity for using it well, I, for one, shall rejoice. I 'would stand at the portal of the British Constitution, and give 'a helping hand to all who demanded admission, if only satisfied 'that, when within, they would be faithful fellow-subjects, and 'good citizens. Burke has said that before he consented that 'men should do what they wish, he must know what they 'would wish to do; and so would I know that they have the 'happiness of all in view, and are not seeking for some boon 'to their own class alone, exclusive of those above and below. It 'is impossible to prevent political power from descending, and 'the only course now open is to give such an education as shall 'make that power a benefit to the community at large.' It was in accordance with these views that, in common with representative men of all parties, he signed the memorial to Lord Palmerston in favour of an Educational Franchise.[2]

A different chord was struck by Mr. Hill when he was called upon to plead for the sick; for the sufferers from some sudden and terrible disaster, such as the Hartley Colliery Explosion—or the even more appalling and scarcely less sudden Indian Mutiny; for the orphans of those who fell fighting their country's battle in the Crimea; to express sympathy with her sons who, on threat of danger, sprang into arms to defend her at home, or with the great exemplar of volunteers, Garibaldi. At Birmingham as well as at Bristol, Mr. Hill spoke at meetings summoned on behalf of the Patriotic Fund. By turns fiery and pathetic, every word came

[1] The position it attained may be estimated from the fact that twice did the Lord President of the Council—in 1856 Earl Granville, in 1867 the Duke of Buckingham—preside at its meetings.

[2] The Memorial and signatures appeared in the *Times* of December 18th, 1857.

from his heart, and filled his townsmen with the like enthusiasm. Having rapidly sketched the course of events which led to the war, and described in glowing terms the storming of the heights of Alma, he thus concluded:—'And when the peace for which 'we fought shall have been attained, when we meet our return-'ing veterans, shall we welcome them looking them boldly in the 'face as having done our duty towards them, or with downcast 'eyes, feeling we have fallen short of what we might have done 'for our champions? Let them be able to declare that it was 'not for a careless and ungrateful people that they fought; but 'for a nation which supplied their wants with a bounteous 'hand, which had poured balm into their wounds, which had 'tended their wives and little ones with affectionate care. Let 'them say that for such a nation they were proud to have bled, 'for such a people they were willing to die!'

'Nobody shall ever again get me to believe,' wrote a friend, 'that we Irish are the most enthusiastic people in Europe! I'll 'back your speech at Birmingham and your reciting "Rule, '"Britannia" with the meeting cheering, against the most hearty 'outburst of feeling with which we ever, in a good cause, shook 'an assembly-room.'[1] 'You are right about the Birmingham 'meeting,' rejoined Mr. Hill. 'Paddy, *minus* the shillelagh, was 'outdone. I rather think Thiers knew what he was about when 'he called us *ce peuple passionné*, only we don't go into a pas-'sion every minute, but wait for Sydney Smith's "affecting '"circumstances."'

The Indian Mutiny he regarded as the heaviest calamity which had befallen England for centuries. The courage and devotion displayed by his countrymen and countrywomen filled him with respect and admiration. Still he never forgot that the most right-eous indignation must bow to justice; and entirely sympathised with Lord Canning's attitude towards the mutineers. He deplored the haste with which entire companies had been put to death—the innocent falling with the guilty; and he was one of the first to

[1] At the close of the proceedings "Partant pour la Syrie" was played upon the organ. "Rule, Britannia!" followed—'the words,' continues the newspaper report, 'being declaimed by the Recorder, and the chorus rendered with an enthusiasm 'worthy as fine a meeting as has ever been held in Birmingham Town Hall.'

protest against aggravating their punishment by the addition of bodily or mental torture. Utterly useless, as he believed all experience showed these to be in augmenting the efficacy of that punishment, the depraving influence such abominations exercised over both those who inflicted and those who witnessed them, could not, he deemed, be overrated. 'If it 'were not my belief,' he said, 'that the day will come, and 'come speedily, when India may be once more governed with 'the mildness befitting its Christian rulers, I should feel it a 'sacred duty to lift up my voice, feeble as it is, to urge the aban-'donment of an Empire, the possession of which would prove, as 'its least misfortune, an intolerable burden on our finances, 'and eventually might even be fatal to higher and more 'vital interests. A government by fear, must degenerate into 'tyranny: but the spirit of despotism would react on our 'habits of thought at home, and after a time corrode our laws, 'and corrupt our institutions.'[1]

Perhaps no occasion more completely roused his enthusiasm for all that is noble and heroic in war, or proved that, had it been his fate to fight under the flag instead of in the Courts, he would have been among the first to mount the breach or lead the forlorn hope, than the sympathy which Bristol displayed in 1860 for the Italian patriots, then struggling for freedom. A public meeting was proposed to give this feeling expression, and to promote subscriptions to a testimonial to General Garibaldi. Doubts of the legality of the proceeding had been raised which, if well-founded, would of course have made it indecorous on the part of a servant of the Crown to be present. Having satisfied himself that no such impediment existed, Mr. Hill entered, heart and soul, into the spirit of the demonstration, and delivered a speech which made Bristol Guildhall echo with applause.

Mr. Hill's old friend Mr. Davis, had lately been staying at Heath House, and wrote to him, with an *abandon* of appreciation and fun which must have recalled their early London days—'Many 'thanks for the report of the Garibaldi meeting. Your speech 'was a grand and noble effusion, patriotic, and heart-stirring, as

[1] Charge to the Birmingham Grand Jury.—*Daily News*, October 27th, 1857.

'was shown by the enthusiasm it excited. As to the legality 'of the proceeding, I am against you—and I know that any 'opinion of mine on a point of law will be received by you with 'the utmost deference! But what then? Legal enactments 'should give way to generous impulses—nor should authority 'be allowed to stand in the way of what we determine to do! 'Nelson, when he received the signal from his superior to "cut '"and run," answered by hoisting his flag for "closer action;" 'and should you receive notice of a State prosecution, I have 'no doubt that, with the same splendid humility, you would 'immediately call a meeting to raise a regiment for Garibaldi!'

Of all the gatherings at which Mr. Hill's presence was asked, none gratified him more than those which marked the efforts of the working classes to perform their duty to the State and to themselves, and indicated the sympathy of fellow-citizens, in a higher social position, with their success. At the *soirées* of the Early Closing Association and Societies for Mutual Instruction, at annual meetings of the Mutual Provident Alliance, and at the festivals of Co-operative Societies, he found himself face to face with the best representatives of that section of the community which possessed his strongest sympathy, and deepest respect. 'When I think,' he had said, in addressing his constituents at Hull, 'of the industry—of the toil, of the working-man, 'pursued from morning to night in an irksome trade, carried on 'probably in an unwholesome manufactory—his pains many, and 'his pleasures few; when I reflect upon the strict economy he 'is required to exercise to enable him to bring up his family in 'a respectable manner; when I remember what self-government 'he must practise to escape all the snares that are set to 'entrap him, there is no one, in my estimation, so truly 'venerable as the aged labourer who has trained his children in 'the paths of rectitude, and passed through life without a stain 'upon his character.' And so, now, no sight more keenly moved him than that of parents, whose struggles he could well appreciate, and children for whom their foresight and self-denial had been exercised, enjoying together their rare opportunities for relaxation. While it equally delighted him to be present when

they received from the trustworthy officers of their Societies, the assurance that, by the industry and frugality of to-day, the incapacitation of sickness and old age was provided against, and even the heaviest of all calamities, the death of the bread-winner of the family, would be mitigated. Felt by all who heard his words to be too true a friend to flatter, too earnest a well-wisher to withhold a needed warning, his sympathy was justly appreciated, and his teaching duly valued. Of the hundreds, nay thousands, he exhorted, informed, and cheered, very few of course could be personally known to him; but a glance of recognition from the working-man, the mother turning to point him out to the child clinging to her skirts, as his carriage drove through the humble quarter he had to traverse between Heath House and the Court of Bankruptcy, showed how familiar and how beloved among them was that venerable head—that benevolent countenance. More than once have his children been startled to learn, from some expression unexpectedly revealing it, the reverence and affection with which he was regarded by the working-people of Bristol.

Grave or gay as the occasion demanded—wise, eloquent, humorous as he was in public, to estimate his highest gifts needed the intimacy of home. The unselfishness, the ready sympathy, the promptness to help, all as apparent in the little circumstances of the day as in the great events of life, marked the genuineness of his character. Another feature was its elevation. Not only did nothing mean or ignoble ever fall from his lips, but his associates seemed instinctively to avoid what was unworthy in his presence—appearing at their best to him, and intuitively rising to his plane of feeling and conviction. Taking for granted high and generous feelings, he imbued others with his catholic spirit, and discovered points of sympathy with the representatives of all parties, and friends in all their ranks. 'Is it necessary,' he would ask, 'because the head is opposed to a man, that the 'heart should be so too? Though men will no more be found 'all of one opinion than all of one height, differences of opinion 'may still leave a general harmony of mind.' His own "faggot" he was always ready to undo; and 'if,' he said, 'by being shown

'to be wrong to-day I may be put in the way of being right 'to-morrow, I shall be exceedingly well satisfied.'

Besides the "charity which thinketh no evil," another charm in intercourse with him was his hopefulness. To one who had met with a bitter reverse he writes:—'I have no doubt you will 'plunge deep into your profession, and occupy your mind so as 'not to dwell on your disappointment. "*Tu ne cede malis, sed* '"*contra audentior ito*,"—is a motto which I have often repeated 'to myself in the course of my struggling life.' When a young man he used a seal inscribed, "Hope all things, expect nothing." In after years it was discarded—perhaps he had learnt then to expect as well as to hope. Gratitude he warmly appreciated, looking upon the absence of it almost as a crime; yet he would not recognise in it a motive to righteous action. His conception of duty rose above that which claims duly apportioned reward. 'If 'the oak flourish,' he would say, 'it matters little who planted 'the acorn.'

No man can spend his life in public unscathed by reproach, however little merited; and the sharpness of the sting to his sensitive nature, taught him to recoil from himself imputing "censure rash," as it led him to discourage it in others.

He certainly was one of those from whom fellow-wayfarers sheltering from a shower would hear something worth remembering; yet his talk was not didactic, nor did it satiate. As ready to acquire as to impart knowledge, he gave his companions the pleasant consciousness that they could teach as well as learn; while his quick sense of the beautiful, alike in the moral and the physical world, his lively imagination, and playful wit threw an ever-varying light over all he said. As a *raconteur* he was excellent. Lord Nugent was distinguished in this capacity; but one evening when the friends had been capping each other's stories, a competent judge declared Mr. Hill to have carried off the palm. He was of Charles Lamb's opinion that a man may laugh at his own joke—indeed that he should lead the laughter; and it was part of the enjoyment of his listeners to watch the eye brightening as the point of the story was neared, and the whole countenance growing radiant with fun,

until, the last word clearly uttered, a burst of hearty laughter gave the signal for the general peal.

In his latter years most books were read to him, but if poetry were the subject he was invariably the reader himself—a treat, however, in his family circle which, from his declining strength, came to be as rare as it was exquisite. Milton indeed so moved him that he sometimes could not bear the excitement of reading his works aloud, just as—a passionate lover of music—Handel's grander compositions so affected him that he seldom dared expose himself to the emotion their performance would produce. Of the lesser, as well as of the greatest poets, he was a charming interpreter. None can forget who ever heard him recite Byron's most striking passages, or Campbell's lyrics, or Wordsworth's sonnets. His enjoyment of the *Rape of the Lock* was extreme, and so was that of Gresset's *Vert-vert*. The latter was read with special zest if his audience were of the female sex, whom he delighted to rally upon their imputed loquacity. The poems of Elizabeth Barrett in their grandeur and their pathos he esteemed highly. Passages in the *Drama of Exile* he regarded as almost worthy of Milton. Of recent poetry the *Idylls of the King*, and of these "Guinevere," moved him most profoundly.

The glance that has here been given at the tastes, habits, and occupations which underlay the great objects of Mr. Hill's life, may be of use in making clear the remaining narrative, to be continued chiefly by his letters.

CHAPTER XIV.

The New Law Courts—Proposed Sites—Lincoln's Inn Fields—Carey Street—Value of Open Spaces—The *Spectator*—Insurance—Laws Relating to Women—Catholicity in Good Causes—"Abolition of all Punishment"—British Association at Liverpool—Dr. William Carpenter—The Salisbury Doctor—Miss Dorothea L. Dix—Preston Gaol Statistics—Mr. W. R. Greg—Brougham Hall—Erskine.

THE site on which the stately pile of buildings intended for our Palace of Justice is now rising, was suggested by Mr. Hill many years before it was adopted. At the date of the following letter, the counter-project for erecting the Courts upon Lincoln's Inn Fields was being urged upon the public.

To Mr. Rintoul.[1]

'HEATH HOUSE, *May 7th*, 1854.

'. . . This project was first set on foot by the owners of pro-'perty in the square. They obtained [in 1841] a Committee of 'the House of Commons, with Sir Thomas Wilde in the chair. 'I was called as a witness, being known to be favourable to the 'scheme of bringing the Law Courts from Westminster and

[1] Robert Stephen Rintoul, for many years the proprietor and editor of the *Spectator* newspaper. To secure the public welfare by justice, good government, and the utmost development of liberty, was his object. Energy, sound judgment, and keen political instincts, combined with absolute rectitude and abnegation of self, won for him a position of great influence. Gifted also with peculiar qualifications for the successful direction of a newspaper, the *Spectator* was in the forefront of the independent press of his time, and was even known to influence a vote of the House of Commons. Mr. Rintoul, who was a self-made man, was born in Scotland about the year 1797; he died in 1858. It is a public loss, although in accordance with what was felt would be his own wish,—for he preferred to do rather than to be known—that no memoir of his valuable life has appeared.

'Guildhall into the law quarter of the town; but I distinctly 'protested against the invasion of Lincoln's Inn Fields, and 'pointed out the block of houses between Clement's Inn to the 'east, and Chancery Lane to the west as forming a better site, 'not only with regard to the preservation of open space, but as 'holding the balance more fairly between Lincoln's Inn and the 'Temple, and also as offering better facilities for approaches.

'The result of my evidence was curious. Mr. Barry, who had 'been called to support the site in Lincoln's Inn Fields, was 'recalled to demolish my counter-project, which he attempted to 'do by somewhat elaborate criticisms upon it.[1] By this time the 'Session drew towards a close, and the Committee did not con-'clude the inquiry.

'My share in the matter is not worth thinking of, though, 'perhaps, it has had something to do with fixing it in my 'memory; but the interests of the Metropolis are at stake. The 'temptation to build up open spaces is very great. We have 'been sinners in that way at Lincoln's Inn, encumbering the 'gardens with our new Hall, and the old Square with the Vice-'Chancellor's Courts. Ours, however, was almost a case of 'necessity, our means being limited. Leicester Square is another 'example of the tendency to which I advert.[2] As you have 'pointed out, by replacing the vile tenements between Carey 'Street and the Strand with a public edifice, a nuisance would 'be got rid of; whereas, by building in Lincoln's Inn Fields a 'nuisance would be created. 'M. D. HILL.'

This letter was quoted by Mr. Rintoul in the *Spectator*. A lively article from Mr. Hill's pen in the *Law Review* for August 1854, entitled "Where shall the new Law Courts be built?" advanced conclusive arguments for the rejection of the Lincoln's-Inn-Fields site in favour of the one which was ultimately adopted.

The next letter adverts to an article on "Insurance" in the

[1] In 1845, when a second Committee was appointed, Sir Charles Barry had changed his opinion, and then advocated the site he had rejected in 1841-2.

[2] Leicester Square was at this time occupied by a large building erected for the exhibition of Wyld's great Globe.

Spectator; and elicited a second article, which, quoting a part of Mr. Hill's communication, agreed in the main with his views. The writer of this article concurred in the expediency of the remedy suggested, but did not consider the abuse pointed out to occur so frequently as his correspondent believed.

To Mr. Rintoul.

'HEATH HOUSE, *May 14th*, 1854.

'The question of Insurance is one which cannot be disposed of by complimentary expressions regarding the working classes, or any other. In its three branches of Maritime Insurance, Fire Insurance, and Life Insurance, my experience leads me to fear that it is the prolific mother of the most atrocious crimes. Some years ago, when I was director of an Insurance Company, it came to my knowledge that many, if not most, of the principal offices in London, had refused to effect insurances in Ireland. They found that upon a long experience, the losses outweighed the gains. One office, I know, made an investigation into the circumstances of its outstanding policies; and the result was a great crop of frauds, with a slight sprinkling of attempts to murder.

'The Reverend John Clay of Preston has written a fearful letter on the subject of the Lancashire Burial Societies; and he is a person in whose judgment and veracity, I, who know him, place the greatest confidence. My own practice at the Bar furnishes me with two instances in point. In one, a young surgeon who had insured the life of his sister, was plaintiff, and an office for which Campbell and I were counsel, was defendant. We had no doubt that he had poisoned her. His own counsel, as soon as we showed our teeth, took the same view, and he was nonsuited; indeed, if there had been a Public Prosecutor, he would probably have been hanged. As it was, nothing more was done than to protect the office against the pecuniary consequences of his wickedness. The other instance was in a case of Fire Insurance, where we were prepared to prove, on the part of the office, that the plaintiff had wilfully set fire to his house; but it appearing in the course of the case that he had fraudulently overstated his

'claim, his counsel chose to be nonsuited in an early stage—'professedly on that ground, not daring to let the facts as to the 'arson come before the jury. I have now before me a case in 'Bankruptcy, in which I have little doubt that the bankrupt 'committed arson, and yet the Insurance Office compounded with 'him, paying him a large portion of his claim.

'Every one conversant with maritime affairs knows how 'much insurance contributes to weaken responsibility in ship-'owners—to say the very least of it. My own fear is that it goes 'much farther, and that there is great joy among some owners 'at the loss of their ships. The consequences of such a state of 'feeling as regards the loss of life are appalling to think of.[1]

'Insurance offices have the greatest possible reluctance to 'contest a claim, as nothing is so fatal to their reputation as to 'be thought litigious. This feeling is evinced by the establish-'ment of one office which contracts not to contest policies—a 'contract which I believe to be illegal, as against public policy, 'but which is never likely to be questioned until we have a 'Public Prosecutor. 'M. D. HILL.'

To intimate correspondents he would often, even in regard to serious subjects, blend the gay with the grave, rightly trusting that their knowledge of him would prevent any misconception as to his real opinion.

To Florence Davenport-Hill.

'LYNTON, *August* 1854.

'. . . Tell Miss Barbara Leigh Smith that I shall be ready at 'all times to aid her in her good undertakings, (and they seem all 'to be good), to the best of my power.[2] Although I have not 'seen his book yet, I think she may safely trust to Wharton's '*Laws relative to Women*,—skimming off the sentimentality, if 'she has no use for the article. But she may perhaps require 'to go further, and compare our laws relating to the sex to

[1] The exertions of Mr. Plimsoll in connection with this subject are fresh in the public recollection.

[2] This lady (now Madame Bodichon) was preparing for publication a little work entitled *A Brief Summary of Laws concerning Women*.

'those of France, as they appear in the *Code Napoléon*, to con-
'sult which I suppose she must wait until her return to London;
'although while at Tan-y-Bwlch she may consult the laws of
'Hoel Dha, if she can find them. One provision she may perhaps
'introduce into her book. I refer to an express prohibition
'against the courtiers pursuing any longer the practice of
'snatching meat from the Queen's plate. The offender was to
'stand against the wall, and be pelted with bones. Here began
'the rights of women! When you build a Walhalla, I hope
'you will not forget to erect a statue to the honour of Hoel
'Dha. . . . There is one species of remedy to which I would
'call Miss Leigh Smith's particular attention. By the law of
'England a party who has lost the possession of his property
'may lawfully regain it if he can do so without violence. Act-
'ing by strict analogy to this excellent provision, Mrs. Jones,
'of Seneca Falls, U.S., treats with some contempt ladies who
'talk much of their rights, while they do little to obtain them.
'She—"*takes* her rights, and says nothing about them." You,
'perhaps, know some ladies nearer home who act on the same
'principle—minus the taciturnity. Tell Miss Leigh Smith I
'shall be particularly happy to revise that chapter in her
'book, as I shall bring practical knowledge to bear upon it.

'M. D. HILL.'

The following letter to a well-known clergyman, active and useful in his sphere, shows how frankly Mr. Hill could express disapprobation, when he deemed it his duty to do so.

To —— ——

'HEATH HOUSE, *Aug.* 18*th*, 1854.

'Accept my best thanks for this your second contribution
'to the great cause in which we are both engaged, although in
'different departments. Your advocacy of questions in which all
'good men are united is so powerful, and, as I earnestly hope,
'will be so effective, that I grieve to see your time and your
'talents directed into the doubtful channels of polemical contro-
'versy. I respect your difference of opinion with your Unitarian
'—or, as you call them, your Socinian—opponents, as I respect

'their difference with you. But when I contemplate the masses 'by which you are both surrounded, devoid of all religious 'belief and of all moral practice, I cannot but mourn over the 'waste of energies employed in such conflicts!

'Excuse, my dear sir, this frankness. If I thought less of 'the value of your labours, I should not incur the risk of 'giving you offence by taking the liberty, which I have permitted 'myself to use towards you. 'M. D. HILL.'

To Professor Craik.

'HEATH HOUSE, *Sept.* 17*th*, 1854.

'You ask whether crime would be materially increased by the 'abolition of all punishment? I doubt whether society could 'exist if punishment were abolished in the strict meaning of 'the term; but such a state of things is an impossibility. If 'all criminal jurisprudence were abolished, criminals would be 'dealt with by a sort of private war, or by Lynch law, which 'would produce a dreadful state of things. Punishments would 'be cruel, and administered upon suspicion. Crimes would be 'feigned as excuses for revenge or plunder. Devastation would 'produce destitution and despair, by which the criminal ranks 'would be augmented; and finally, after much suffering, things 'would come back to their present state.

'You contradistinguish "penal" from "reformatory;" but they 'do not antagonise. Reformatory must be penal in the sense of 'giving pain. It is, in truth, penal, and something more; but 'that something more does not militate against its penality.

'You do not state your objection to reformatory treatment, 'and yet you seem to dispose of it in your mind as a *pis aller*, 'from which I infer that you are stumbling at the old impediment 'about "offering a reward to wrong-doers for wrong-doing." 'The answer to this is, that although it is conceded that a 'benefit is conferred on the criminal, yet that such benefit is not 'a temptation; and that the anticipated evil is the result, not of 'benefit, but of temptation—whether the temptation be an offer 'of something really good, or of something really evil. The

'"—Schoolboy, with his satchel,
'"And shining morning face, creeping, like snail,
'"Unwillingly to school—"

'is going to receive a benefit, but if he should rob an orchard by 'the way, depend upon it, it will not be with a view to lengthen 'his school-hours. So with us—labour, and the confinement 'which labour implies, are serious evils to young Scapegrace 'in the Reformatory, and the difficulty is to keep him from 'deserting until the seasoning is over. If low desires and bad 'habits could be replaced by high aspirations, and habits in 'conformity with them, without a discipline which—however 'kindly conducted—is essentially painful, and much more pain-'ful than with our training we can readily imagine, then 'reformatory treatment might indeed become a temptation. 'But as I have before said, until a chloroform is discovered 'which shall act upon the mind so as to deprive discipline of 'its irksome and painful concomitants, reformation is a good 'which will not tempt any one to plunge into crime to secure 'its enjoyment.' Assuming a playful tone in combating his Scottish friend's lingering faith in deterrents, he remarks—'Your proposal to wall off the north of Scotland for the resi-'dence of criminals is certainly giving every advantage to the 'deterrent principle. *I* would suggest two improvements. First, 'to enhance the punishment of *Scotch* criminals, sulphur should 'be a prohibited article, oatmeal supplied only in small quantities, 'and their rooms should be constructed without salient angles, 'either inside or out—a sort of circular tower! And with regard 'to *English* criminals, that they should be awakened every morn-'ing by the bagpipes! We should then see what deterrents '*could* do. 'M. D. HILL.'

Mr. Hill attended the meeting of the British Association at Liverpool, and was the guest of the late Mr. William Rathbone of Green Bank. A diary was kept for his wife, from which the following extracts are made.

'*Sept. 20th.*—Started for Liverpool with Dr. William Car-'penter. Much conversation on temperance matters. We went 'together to St. George's Hall, where he had a great triumph. 'Meeting with a physician from Salisbury, who was come to 'read a paper on longevity, with an illustration, viz. himself, he

'being ninety years old, Dr. Carpenter asked him what he 'drank. He answered, cold water. Told us that in early life 'being at a party after a journey, when tired, he fell asleep for 'a moment, but hearing his name mentioned he roused himself, 'though keeping his eyes shut. He found they were discussing 'his chances of success, and agreed that he was too weak and 'frail to bear the labour of his profession. He says he has 'seen Bishop, Dean, and Canons, and the principal inhabitants 'of the town, changed four times! He still has the air of a 'feeble man in frame and constitution.

'While standing in the room to which members and visitors 'resorted, it seemed to me that I should see everybody I had 'ever known. The first person I met was Lord Harrowby, then 'Lord Wriothesley, then our good friend Mr. Shuttleworth. Sir 'Robert Inglis, I saw next. He is going the downhill of life, 'but remembered me perfectly, though I have not seen him for 'many years. . . In the afternoon I came to Green Bank, where 'I had a very kind reception and found a pleasant party '—among it Dr. and Mrs. Scoresby, and Professor Pillans.' Another of the guests was a remarkable American lady, Miss Dorothea L. Dix. She was thrown on her own resources at twelve years of age, with the addition of having to help a younger brother and sister. When, after many years of teaching, she had realised a small competence, she devoted herself to works of charity, especially to improving the treatment of the insane. Their condition in the United States when she began her labours was deplorable.[1] When Mr. Hill met her, thirty-two Legislative Acts in various States and Provinces, providing for their better treatment, had been procured by her means. In their preparation she had never publicly appeared, though she had always taken the details upon herself—not trusting one of her clauses to clerks or officials.

Her power of influencing those she addressed was extraordinary. Towards the cost of erecting the first asylum for the insane in Rhode Island she obtained $40,000 from a miser, who had never been known to give anything away before. After relating this and other anecdotes showing her extraordinary courage and

[1] It was no better in Canada.

self-devotion, the diary continues—'If ever an order of female 'Knights Errant should be established, Miss Dix deserves a 'high place in it.'[1]

'*Sept. 23rd.*—An excellent lecture from Dr. Scoresby, on 'the changes in the direction of magnetic attraction in iron 'ships. . . . The moment it was finished a gentleman I do not 'know, told me that, Mr. Clay of Preston was about to read a 'paper in the Statistical Section. I ran in, and was in time to 'hear the whole of it. He proved by statistics derived from 'Preston Gaol, that, in the district contributory to his prison, 'times of pecuniary distress upon the operatives had, for many 'years, been uniformly times of the least amount of crime in 'that district. I corroborated the statistics of Preston by the late 'statistics of Birmingham (especially by those of the months of 'July and August) for the last five years.

'I spoke highly of Mr. Clay's services, and said I was glad to 'be able to do so before the inhabitants of the Palatinate in 'which his useful life had been spent. And, alluding to the 'applause which ensued, before I sat down I told them that his 'labours were admitted, admired, and—unrewarded!'

When the meeting of the Association broke up Mr. Hill visited Mr. W. R. Greg at Windermere, and went on with him to Brougham Hall, where the diary was resumed.

'*Sept. 28th.*—We talked of Erskine. Lord Mahon, it ap- 'pears, in a volume just published, speaks very slightingly of 'Erskine's general powers, upon the authority of a letter written 'by Lord Byron. I knew that Lord Brougham estimated 'Erskine very highly, but I was hardly prepared for the enthu- 'siasm with which he speaks of him, which I found equalled 'my own; and, especially, in his admiration of the exquisite 'style of Erskine's prose, whether of his speeches or his writings '—of which indeed his speeches may be considered a part, as 'before they were published, they were all re-written by 'Erskine himself. Lord Mahon represents him as having no

[1] During the American Civil War Miss Dix was at the head of the Government Bureau for female nurses, and for four years and a half, sometimes at Washington, sometimes on the field of battle, gave her utmost strength to the duties of this office. At the close of the war she resumed her labours for the insane, which she continued as long as her powers permitted.

'play of fancy, or readiness in society. Lord Brougham told us 'of their being together at Panshanger when a game was pro- 'posed called *Secrétaire* in which every person, in his turn, must 'produce a few lines of verse, which he (Lord B.) pronounced a 'very disagreeable pastime. However, they all yielded, some 'perhaps liking it, and Erskine produced in a moment these 'lines on the King (George III.):—

'I never can die, though I may not live long;
I seldom do right, though I cannot do wrong.
My jowl is quite purple, my brain is quite fat,
Come, riddle my riddle, what am I, what, what?'

CHAPTER XV.

THE MAINE-LAW, AND THE PERMISSIVE BILL.

Drink Traffic—Maine-law Charge—Letter to W.J. Fox—Total Abstinence—Limits of Letting-alone Policy—United Kingdom Alliance—Letter to Mr. Jaffray—To Lord Brougham on the Drink Question—Prohibition in the United States—Anti-Temperance Charge—Permissive Bill—Sir Wilfrid Lawson—Letter to Mr. Pope—Preamble—"Prompt" or "Total"—To Mr. Barker—Archdeacon Sandford's Report—Despotic *versus* Popular Prohibition.

MR. HILL was now to break new ground, and give his adhesion to a cause with which his name was identified during the rest of his life.

In 1830 an Act had been passed "To Permit the General Sale of Beer and Cider in England." Its aim was to secure a wholesome drink for the labouring classes, in place of the inferior and adulterated article which then prevailed, and which it was believed had caused an alarming increase in the use of ardent spirits. Elaborate provisions were embodied in the measure to prevent abuses; but unhappily they were not successful. Both in 1833 and 1834, Bills were introduced to amend the law. During the latter Session, in a debate on this subject, Mr. Hill opposed hasty legislation, and urged that the arguments on both sides should be heard with patience. 'Many causes make the people of England what they are,' he said. 'If you put down all their healthy and innocent out-'of-door amusements, you necessarily drive them to public-'houses. Instead of shutting up paths and pleasant walks, 'you ought to open new ones; instead of gradually inclosing 'every park and open playground, you ought to enlarge the 'means for the people enjoying healthy recreation.'[1] He at that

[1] *Mirror of Parliament*, 1834, p. 1211.

time fully accepted the still current belief that "the popula-"tion cannot be made moral by closing public-houses." It will now be seen how materially long experience as a criminal judge altered this opinion; though, as will also appear, he invariably maintained that prohibition can alone be effective when demanded by the people themselves, and enforced by an overwhelming public opinion.

An address, delivered in January 1855, and soon widely known as his "Maine-law Charge," brought a similar controversy to that raised by his Charges of 1850–51. Of the soundness of the views he set forth he had convinced himself by careful and laborious inquiry. Pursuing it through many months, he had drawn information from every source whence it could be obtained. Notwithstanding his care in stating these views he found that he had been misapprehended by more than one eminent writer; and to remove all doubt as to his meaning he published the following abstract of the Charge:—

'1st. He desired to show that the consumption of alcoholic 'beverages is so excessive as to make it of the highest moment 'that it should be greatly reduced.

'2nd. That all schemes for effecting such reduction must, to be 'efficient, be founded on the desires of a largely preponderating 'majority of the people.

'3rd. That restraint on the sale of intoxicating drinks, when 'made in conformity with public opinion, diminishes consump-'tion in proportion to the stringency of the law.

'4th. That the experience of six of the United States of North 'America shows that, under similar conditions as to public 'opinion, such restraint may be tightened into absolute prohibi-'tion, and yet remain effective.

'5th. That very decided good results have already been pro-'duced in the six States by such prohibition, in diminishing pau-'perism and crime.

'6th. That the progress in America towards a Maine Law had 'its beginning many years ago; while in England we have 'scarcely taken our first step in that direction.

'7th. That, consequently, the institution of a Maine Law in 'this country must be deferred to a distant future.

'8th. That it can only be safely enacted when it shall be de-
'manded by large numbers, who desire to protect themselves
'against temptation, or desire a similar protection on behalf of
'their families and those in whose welfare they are immediately
'interested.

'9th. That to such numbers must be added the smaller, but more
'powerful body, who, not feeling the necessity for such control,
'are yet willing to forego their moderate use of alcoholic bever-
'ages as the necessary condition of a great national benefit.

'10th. The controversy between the advocates of total abstinence
'and of moderate use, is meant to be left (as a question of health)
'altogether untouched, the medical authorities being in conflict
on that part of the subject.'[1]

The contention provoked by the Maine-law Charge extended over a long period. The following letter, though written nearly a year after the delivery of that address, yet bears directly on a misapprehension of the Recorder's meaning:—

To Mr. W. J. Fox, M.P.[2]

'HEATH HOUSE, *Dec. 12th*, 1856.

'I am very much obliged to you for sparing me so much of
'your time as was required for reading my Charge, and writing
'down your very useful comments upon it. From one of them,
'however, I think I have failed to convey even to your mind a
'full impression of the principle which lies at the foundation of
'my reasoning. It is very difficult to shake off the impression
that laws are imposed upon the community, and not sought for
'by the people as a benefit. The difference is between a *drink*
'and a *draught*.

'I am stoutly opposed to a Maine-law until it is called for
'—not merely by a bare, but by a *preponderating* majority
'of the nation, preponderating in numbers, preponderating in
'intelligence, preponderating in rank, preponderating in activity,

[1] Since this abstract was drawn up there has been a marked advance, in the medical profession generally, towards very considerably diminishing the medicinal use of alcohol.

[2] At this time Editor of the *Weekly Dispatch*.

'preponderating in organisation, and last but not least, pre-
'ponderating in the Press.[1] Now, it is idle to expect such a
'majority, unless it is true, and manifestly true, that the sacrifice
'which is the necessary condition of the law, is a cheap pur-
'chase for a great good; a great good to some in their pocket,
'to the class namely, whose own expenditure in drink is a
'burden, and upon whom (through pauperism and crime) the
'drinking propensities of others also entail a burden; and to
'others—(I trust an increasing class), who derive more enjoy-
'ment from the contemplation of a well-ordered, happy, and
'improving community, than from the exhilaration produced by
'the use of alcohol in any way, moderate or immoderate.—N.B.
'Medicinal uses are of course excepted, and are not included in
'the term "prohibition."

'Perhaps with this explanation what I say may be considered
'as of no importance, relating as it does, so far as legislation is
'concerned, to a distant and contingent future. But I think it
'nevertheless is useful in giving a tangible object, or sea-mark,
'to direct the course. It would unite all who are engaged in
'promoting temperance to march in the same path for a long while
'to come, as their respective routes will not diverge—unless I
'am very wrong in my anticipations—until a distant future.

'With regard to evasion,—it is a matter of fact, more than of
'speculation; and you observe that I have left it open, pointing
'out the dangers which lie on that side. But I must remark
'that the experience under Wilson Patten's Bill may lead to
'false inferences. . . . It is obvious that the danger of evasion
'augments in the inverse ratio of the public opinion opposed
'to it. Again, it is often easier to make a great reform than a
'small one. The law encourages the traffic for six days and
'some hours, and it having been thus spurred into velocity, is
'suddenly pulled up in a moment. No wonder the steed is
'restive under such treatment.

'I must not forget to explain that my motive for omitting
'reference to the Sunday question was not from inadvertence;

[1] In a letter to Mr. Rintoul on the same subject he says:—'My description of a
'real majority, as including other elements of power than mere numbers, is taken
'from the *Spectator*. Sometimes the numerical majority may be in the minority
'of power, but not as applied to a Maine-law question.'

'but partly from want of room, and partly from other reasons
'which I will explain if I ever should have the pleasure of meet-
'ing you again.

'M. D. HILL.'

'If alcohol,' he wrote to another correspondent, 'is made very
'difficult to obtain, it will only be obtained by the higher
'classes, who are under motives sufficiently strong, as experience
'shows, to use stimulants in moderation.' To Professor Craik he remarks—'With regard to prohibition in any shape, it may
'perhaps be only a temporary measure. The world requires
'to be declared in a state of siege, as regards the consumption
'of alcohol. But a break in the custom might, in our present
'stage of civilisation, be all that the case requires. This, how-
'ever, is of course matter of speculation.'

Writing to his valued friends, the late Robert Charlton and Joseph Eaton, of Bristol, well-known promoters of the total abstinence movement, he says:—'That restrictions and prohibitions
'cannot, and ought not, to be forced upon the people is my firm
'belief; and it is I am persuaded the belief of those, who like
'yourselves, are labouring to awaken the general mind to the
'mischiefs which accrue from the traffic in ardent spirits and
'other intoxicating drinks, although, I regret to say, expressions
'have now and then fallen from your more sanguine adherents
'which appear to favour the supposition that Parliament will be
'urged to outstrip the progress of public opinion, and thus to in-
'troduce the principle of coercion. Some who are instigated
'either by prejudice or by selfish interests to rouse the passions
'of the multitude, have seized upon such expressions with
'avidity, and make them a handle against you. But, surely
'when it is thoroughly understood that the example of American
'law to which you point is the creation of the popular will
'and came into being only at the earnest desire of the people
'themselves, the attempts which have been made to mislead
'your expected audience must fail of their object, and become
'innocuous.'[1]

[1] Messrs. Charlton and Eaton had engaged Dr. Lees to give a lecture on Temperance, at Bristol.

To Mr. Rintoul.

'HEATH HOUSE, *Jan. 14th*, 1855.

'. . . In my younger days, when the opponents of *laissez-nous 'faire* were, to a man, opponents of free trade, and of all other 'sound principles of political economy, I, in common with other 'Liberals, thought its dominion almost unbounded; and should 'have opposed all legislative attempts to guard a man against 'himself. And even now I would require a much larger majority 'in favour of such laws than of those which seek to guard A 'against B. But the want of coercion against strong impulses 'has always been felt by a large proportion of mankind. 'Hence submission to monastic rules, bonds not to play, not to 'drink, &c. The Maine-law goes a step further, because it 'coerces all, instead of acting only on those who invoke its 'power. But if the majority is very large, the coercion of a small 'minority is justified on this ground—that society *must* incur 'expense in watching, apprehending, trying, punishing, and 'maintaining criminals, and *does* incur expense in the support of 'paupers. Society, therefore, has a right, as it appears to me, to 'stop mere indulgences which have a clear and practical tendency 'to create burdens on its funds.

'I have by this evening's post sent a letter to the *Times* on 'their commenting on my Charge, signed with my name.[1] This 'is a bold step for a judicial person, but I have well considered 'it. Such a Charge as that which I gave is only a *quasi*-judicial 'act. It is in truth a *legislative* argument, or perhaps more 'accurately a pre-legislative argument—a prolusion.

'Do you see the *Alliance News*, a pro-Maine-law paper, pub- 'lished at Manchester?[2] It is written with very consider- 'able power, and has good intelligence from America.

'M. D. HILL.'

[1] The *Times* did not insert the letter.

[2] 'I send you a copy of the *Alliance* newspaper,' wrote Mr. Hill to Lord Brougham in September, 1859, 'which sells to the number of fourteen or fifteen 'thousand at the least, perhaps twenty thousand. Whatever you may think of 'the object, I think you will see that it is pursued in a manner likely to elevate 'the minds of its readers; the tone is high, the appeal is to their better feelings; 'and sometimes, in the leaders, the argumentation is admirably well conducted.

The United Kingdom Alliance for the Total Suppression of the Liquor Traffic, a wide-spread and powerful association, hailed Mr. Hill's support to their cause with delight, although his views were not wholly in accordance with their own. They gave his Charge a wide circulation by publishing it at a nominal price. It satisfied, however, neither the supporters of prohibition, who objected that he desired unreasonably to postpone legislation, nor its opponents. These passing over, almost without notice, the conditions on which alone he contemplated the possibility of a Maine-law, assumed that he demanded the immediate tightening of all restraints upon the liquor traffic, if not its complete extinction. He deemed it, therefore, advantageous to examine further the grounds on which the question ought to be discussed, and upon which it must eventually be decided. He did so, and published the result in pamphlet-form, under the title of *Remarks in Answer to Objections advanced against a Charge on the Abuse of Intoxicating Liquors*.[1] This also was republished by the United Kingdom Alliance.

Some months later he wrote to Mr. Jaffray (proprietor and editor of the *Birmingham Journal*)—'I am not sanguine in 'my hopes of changing your opinion, except to this extent—that 'the question must no longer be treated as a self-evident ab-'surdity, but as one to be discussed, as if there were some-'thing to be said for one side as well as for the other. The 'Appendix [to *Remarks, &c.*] will show the progress which has 'been made in America, not only in the Republic but in the 'British Provinces—not merely a progress of opinion but a pro-'gress of law.' [In Prince Edward's Island, Nova Scotia, and Canada, a Maine-law had been lost by narrow majorities. In New Brunswick it had been adopted, but had been repealed. There was, however, existing at the time in most, if not in all, the North American Colonies legislation allowing of local prohibition, and also of Sunday closing. And by an Act passed this year [1878] by the Dominion Parliament, the Legislature of each province is empowered to authorize the people of any municipality or county to exclude the liquor traffic from their

[1] *Repression of Crime*, pp. 390—414.

district.] 'The adoption of the Maine-law by the Legislatures 'of thirteen States is, at all events, a great fact. A great *mis-* '*take*, or a series of great mistakes, it may be. All I mean to 'insist upon is that the Maine-law question cannot be hustled 'away as an impertinence, but must be met with facts and argu- 'ments, the controversialists fighting upon equal terms, each 'entitled to the laws of war. Whereas, it has been the fashion to 'treat the partisans of prohibition as if they were traitors or 'rebels, not entitled to anything better than a halter; or, at best, 'as lunatics, with whom it would be folly to enter into con- 'troversy. This won't do any longer. I am old enough to 'remember when reforms in Parliament—the repeal of the Usury 'Laws, the Corn Laws, &c., &c. were always treated as too 'absurd to occupy the attention of sane persons.'

'It would be the play of *Hamlet* without the part of Hamlet,' he remarks to Lord Brougham, 'to treat of the state and prospects 'of working-men without touching upon the drinking question. 'The evils resulting from the use of alcohol are so manifold 'and so terrible in their consequences, that men ought to be 'encouraged to turn their minds sedulously towards the means 'of combating the enemy, and all proposals ought to have a fair 'hearing. Prohibition may be desirable without being practic- 'able; but the experience of the State of Maine, where the law 'originated, surely deserves very serious and candid attention. 'On the establishment of prohibition the diminution of crime and 'pauperism was enormous. But the prohibitionists being caught 'napping at the elections, what is called the Rum-selling interest 'prevailed. Prohibition was repealed, and a stringent licensing 'system substituted. After two or three years, pauperism and 'crime having risen greatly during the interval, prohibition was 're-established, and is now [1859] the law of the State, being 'followed by the same good effects in every district in which 'it is maintained in its vigour. That it is here and there 'opposed by the executive authorities, and is evaded, there 'is no doubt. But what laws are not sometimes badly executed 'by the authorities, and sometimes—nay, very often—broken 'by the people? And why should a test of the value of 'a law, viz., perfect obedience, be applied to prohibition, when

we should consider it absurd to apply it in regard to any 'other law—against theft, or murder, for instance?

'I obtain all the information I can of the working of pro-'hibition in America, and I find my opinions, as expressed 'in my book, [*Repression of Crime*,] well confirmed. But what 'seems to me to be the want of the day as regards this question 'is that it should not be treated as the slaveholders struggle 'to treat the slave question, in Congress, and elsewhere. Let 'it be admitted as entitled to discussion, debate, &c. Let it 'be one of the public questions of our time. If the tens of 'thousands who sincerely believe in its efficacy are mistaken, 'let them be confronted. If mistaken, they will gradually turn 'their energies into some more effective direction.

'To recur for a moment to the Maine-law in Maine. It 'strikes my mind that the re-establishment of the law by so 'popular a Legislature, is a proof of almost incomparable weight 'and magnitude that such law is good both in theory and 'practice, so far at least as that State is concerned. We know 'how easily the people may be led to adopt untried measures, 'where the consequences are an affair of the imagination—which 'runs so easily into extravagant expectations whenever it 'cannot be held in check by appeals to experience. But the 'project for re-establishing the law had no delusive aid of this 'kind. Its demerits as well as its merits were known to the 'people from their having tried the experiment; consequently 'the re-adoption was a verdict in favour of the law, founded, 'not as the first was upon speculation, but on facts thoroughly 'ascertained.'

Nearly a quarter of a century has elapsed since thirteen of the States of the North American Union accepted a Maine-law. It might be supposed, therefore, that the success or failure of the measure would be now apparent. But this is not the case. Conflicting opinions are still held, not only in this country but in America. The testimony of history during the period would seem to show that several States were premature in aiming at total prohibition. Still, even their experience marks an important step forward. In two, indeed, the law remains in vigorous action. In eleven it has been repealed. But in almost

all, if indeed, not in all these eleven States, stringent licensing laws and other enactments for the repression of the drink-traffic, have been passed. Further, it has to be noted that the Maine-law itself has recently been adopted in States not included in the original thirteen.[1]

Looking broadly at the subject, the present position of the struggle may be summed up in the same words with which Mr. Hill defined its status in 1856 :—'That a contest,' he said, 'in which strong appetites are allied with great pecuniary 'interests, should be waged with fierce determination, was to be 'expected. That in such a war there should be some fluctuations 'of victory and defeat is also in the ordinary course of events ; 'yet every little advantage obtained by the opponents of the 'Maine-law is magnified, not from fear lest a great enterprise 'in favour of human happiness should prove hopeless, but in 'triumph ; as if it were a fine thing to discover that society is 'not sufficiently advanced, or that human nature is too un-'changeably perverse, to enable us to bear a restraint so much 'for our benefit. . . . The fight—

'"Now leaning this way, now to that side driven,"

'is still raging;

'"And none doth know to whom the day will fall."'[2]

Early in the period during which the controversy upon the Maine-law Charge prevailed, the country was deeply moved by the sufferings of our troops in the Crimea. It was in reference to this that Mr. Hill wrote to a brother—'I think I must deliver 'an anti-Charge to show the evils of temperance! The men in power, both civil and military, are too old. In former times they would have drunk themselves into their graves, and left 'the stage to younger men. Wellington, at the battle of Waterloo, 'was but forty-six. Nelson at his death was under fifty ; so was 'Pitt, and Fox was little more. Raglan is sixty-eight, and 'Palmerston, who is to breathe vigour into the War Office, 'is seventy! John Russell is only a fortnight younger than I

[1] *Prohibition does Prohibit ;* and *Liquor Laws of the United States*. New York, 1878.

[2] *Remarks in Answer to Objections*, &c.

'am—Sir James Graham is about the same age. What a set 'of old fogies!'

A tentative measure known as the Permissive Bill, which is brought each year before the House of Commons by its indefatigable supporter, Sir Wilfrid Lawson, was projected by the United Kingdom Alliance in 1857. Its authors sought Mr. Hill's aid when they were preparing the Bill, and he drafted the Preamble, which runs thus:—

'Whereas the common sale of intoxicating liquors is a fruitful 'source of crime, immorality, pauperism, disease, insanity, and 'premature death, whereby not only the individuals who give 'way to drinking habits are plunged into misery, but grievous 'wrong is done to the persons and property of her Majesty's 'subjects at large, and the public rates and taxes are greatly 'augmented; and whereas it is right and expedient to confer 'upon the ratepayers of cities, boroughs, parishes, and townships 'the *power to prohibit such common sale as aforesaid*, be it en-'acted,' &c. &c.

To Mr. Samuel Pope.[1]

'HEATH HOUSE, *Nov. 4th*, 1857.

'I think with you that it is more important to be "popular '"and intelligible," than to be technically accurate in your pro-'posed Bill, because I look upon the measure as one which will 'not be carried in Parliament for a long time; while, on the other 'hand, its proposal gives a definite shape to your enterprise, and 'will make it acceptable to thousands who would revolt against 'a Maine-law to be put into operation without the consent of 'each district which was to come under its prohibition and its 'penalties. Your Bill furnishes upon the face of it, a conclusive 'answer to opponents who insist on the tyranny of forcing such 'a law on the nation. It shows in a striking light that you only 'intend to give to the class who chiefly suffer from crime, and 'from the burden caused by pauperism, a means of self-pro-'tection. Believing these to be the prominent points to be kept 'in view, I have re-drawn the preamble for the purpose of

[1] Honorary Secretary to the United Kingdom Alliance. Mr. Pope is now Queen's Counsel, and Recorder of Bolton.

'putting the stress upon the *public* mischief, as being that alone 'which justifies legal interposition.

'The more I think of the Bill, the more I am satisfied 'that it was one of the happiest conceptions I ever met with. '*Inter alia*, it answers the objection that prohibition presses on 'the lower classes but is ineffective as regards the higher. 'Grant the fact, and what then? The higher classes do not by 'their drinking either fall into crime, or come upon the rates, 'so that—example apart—they work no public injury.'

In a subsequent letter to the same correspondent he deals with the word "immediate" in connection with the abolition of the liquor traffic. The word has two meanings—*prompt* and *total*; it is in the latter sense that he accepts it as applying to the contemplated operation of the Permissive Bill. 'We have no power 'of ourselves,' he argues. 'We can only arrive at prohibition 'through the will of the people. We must therefore place the 'object in view in such a light before them as will best influence 'their will in our favour. Now, the slow and the gradual can 'never be made to excite the popular mind, or unite all classes 'on our side. That class—much larger than is generally 'imagined—of drinkers who would fain be protected against 'their own ungovernable appetite, and who are looking to pro-'hibition as their shield, together with the families and friends 'of the sufferers, would regard with impatience and disgust a 'scheme of gradual restriction which they felt would bring them 'no benefit, since death would consummate their ruin before 'their safeguard came in aid.' Having shown why prohibition must be total, he goes on to demonstrate why it cannot be prompt. It has to win a preponderating weight of public opinion, because it must be backed by the popular will. This is emphatically the case in respect to a law which has to enter into conflict with the commercial power—'a power of immense 'force and unrivalled vitality,—witness smuggling under high 'duties, witness the receiving of stolen goods, flourishing at this 'day more than ever in spite of law, and in derision of police.' He adduces another very interesting illustration. 'Witness,' he continues, 'the abominable Slave-trade. I closely questioned 'Dr. Livingstone about the extinction of the Slave-trade on the

'coast of Africa, and the impression made on my mind was that 'the success of our cruisers was doubtful. That we have driven 'the trade from certain marts is true; but whether we have not, 'like the over-bustling housemaid with her duster, driven the 'object of our hostility from one place to take refuge in another 'remains *in dubio*, especially when we think of the cargoes that 'are pouring, nightly and daily, into the harbours of Cuba.' The public, however, will not, he warns his correspondent, enter into the distinctive meanings of the word "immediate," and he urges its relinquishment lest it become a source of discord. 'You will not be offended,' he concludes, 'at the advice of an 'old man, even although it should trench a little on the 'dictatorial. Be assured I should not take the trouble of 'offering it in this elaborate form, if I did not feel that you 'are the able and disinterested advocate of one of the best and 'noblest causes ever pleaded before the tribunal of the people '—a cause in which you are contending for a verdict in favour 'of the jury itself, and yet thoroughly consonant with justice.

'M. D. HILL.'

The verdict has not yet been won; but while the power sought for the jury—in other words, for the people—is still withheld, landowners are exercising it without let or hindrance—happily with results most beneficial to the communities beneath their sway. This fact is testified by the *Report*, drawn up by the late Archdeacon Sandford, of the Committee appointed by the Convocation of Canterbury—'To consider and report on the 'prevalence of intemperance, the evils which result therefrom, 'and the remedies which may be applied.' It is to this most significant document that Mr. Hill refers in the following letter:—

To Mr. Barker.[1]

'HEATH HOUSE, *Oct. 17th*, 1869.

'Some one, I trust, among your array of powerful speakers 'will not fail to impress upon your meeting the importance of 'the fact—of which our invaluable friend, Archdeacon Sandford,

[1] Secretary to the United Kingdom Alliance.

'has now perfected the proof—that although Parliament refuses 'to authorize the ratepayers of a parish to forbid the sale of 'intoxicating drinks, yet it complacently sees prohibition exer- 'cised by the landowner. The Archdeacon's *Report*, adopted 'and sanctioned by Convocation, shows that in the province of 'Canterbury, comprising as it does only a portion of England 'and Wales, there are 1,300 parishes, townships, and hamlets 'without either public-house or beer-shop. It also puts in 'evidence the freedom from disorder, crime, and destitution 'enjoyed by the districts thus happily privileged. Thus we 'actually possess a Permissive Bill in successful operation—the 'law entrusting to a despot an authority which it denies to the 'people at large! Such is English liberty! Such is English 'common sense!

'M. D. HILL.'

CHAPTER XVI.

Summary Jurisdiction—Letter to Brougham—Criminal Procedure—Public Prosecutors—Visit to Mettray—Prospects of the *Colonie*—Daily Life of M. Demetz—Progress of Movement in England—M. Demetz at Heath House—"Quarterly" Article—Sectarianism—Historians—Macaulay—French Epigrams—Whately on Bacon—Bürger—Fielding and Molière—Edwin Hill on Currency—Sabbatarianism—Brougham's *History of England*—Second Visit from Demetz—National Reformatory Union—Flood at Tours—Help from Mettray—Gold Medal Voted to the *Colonie*—Home for Outcast Boys—Cultivation of the Faculties—Reformatory Union Meeting at Bristol—Reformatory at Droitwich—Cobden—No Panacea for Evil—"I Believe in All of You."

EARLY in the Session of 1855 Lord Brougham brought in a Bill to enable Justices of the Peace to convict summarily in certain cases, with consent of the prisoner, instead of committing him to Assizes or Quarter Sessions. The substance of this Bill was embodied in another, introduced by Lord Chancellor Cranworth. It passed the same Session, and is commonly known as the "Criminal Justice Act."

To Lord Brougham.

'HEATH HOUSE, *March 4th*, 1855.

'When your kind present of *Lives of Philosophers, &c.*, was 'brought to me, I gave it hastily to my servant to pack up, 'without observing the request written on your Bill to return it 'by Monday last, or I would have given the matter immediate 'attention, although very busy. In truth, however, I am unable, 'and I confess it most reluctantly, to be of any use to you in 'this matter—reluctantly, because I am afraid you will think I 'am under the dominion of crotchets; or at least, am disposed to 'undervalue all that does not square with views which practical

'men have not yet adopted. I am, however, not unmindful 'that we must snatch at the present good within our reach, 'and not indulge a sickly taste for the Utopian. Still, with 'all this to which I am not unwilling to give full weight, I 'cannot take any lively interest in these Bills.

'Three months' imprisonment gives so little chance for refor- 'mation, that I fear the prisoner, if he do not come out a worse 'man than he went in, will come out under circumstances which 'will render an honest life far more difficult than before; and 'yet it may be dangerous to trust the Justices in Petty Sessions 'with greater power over the liberty of the subject. Again, the 'value of the article stolen, is, to my mind, so very imperfect a 'criterion of culpability that I have no respect for it at all. The 'thief generally steals what he can lay his hand upon—the 'greater the booty, the better. And with regard to his first '*detected* offence being his first *committed* offence, such a coinci- 'dence is, according to my experience, of rare occurrence.

'I am sorry to say that whatever encourages prosecutors to 'bring up prisoners for judgment has this countervailing evil, 'that it thrusts many an one into the criminal class who, by 'forbearance on the part of the prosecutor would, by exhortation 'and remonstrance, have pulled up, and retained his position 'among the "true men." The "letting alone" of our ancestors, 'with regard to garden-robbing, &c., no doubt, in many in- 'stances encouraged the young offender to embark in a life of 'crime; but it is my firm belief, though I am not able to give 'you specific evidence on the matter, that a large majority were 'like the orchard-robbers of Eton and Rugby, and grew up to 'fill their stations in life with decent respectability.

'I can only look upon the proposed measure as an experiment 'which it will behove me carefully to observe in its working. If 'it should be successful, I shall certainly have to do what I 'have often done before—and what I shall do if I can, as long as 'I live—square my opinions to fit in with new facts and new 'arguments, repudiating old Sam Johnson's "finality." With 'these views I am disabled from being of practical service 'with respect to the Bill.

'M. D. HILL.'

To the Same.

'HEATH HOUSE, *March 13th*, 1855.

'I am deeply interested in your projected speech on Criminal 'Procedure, [delivered in the House of Lords on March 24th,] 'and on the proceedings consequent upon it. It clearly 'begins with police. Insulated bodies of police can only 'make a guerilla warfare against the enemy. With a perfect 'reticulation of police through the island, aided, as it would be, 'by the railway and the electric telegraph, the preventive 'power might be made enormous. Another aid has sprung up 'lately, which has long been in my mind, but which I have not 'the merit of even suggesting to any one.' Mr. Hill describes the practice, recently adopted by Mr. Gardner, of photographing his prisoners, and then recurring to the previous subject, asks—'Is our morbid fear of centralization to deprive us of the obvious 'advantages which must flow from the incorporation into one 'body of our police force?

'While all facilities for apprehending those who, for the 'public good, ought to be apprehended, should be improved and 'multiplied, it becomes exceedingly important to check ill-'considered apprehensions,—children flying kites contrary to 'local Acts, servants beating carpets in improper places or at 'untimely hours, &c., should rarely indeed be sent to gaol. 'Whatever the cause, the Rubicon is passed when the gaol doors 'are opened. But where is this discretion to be lodged? As I 'think in the Public Prosecutor—who, for purposes of *instruction* 'and *recommendation*, should have control over the police force 'of his district, with power of complaint to the highest police 'authority of the country, if his injunctions should be disobeyed.'

The writer then points out the various important duties which might be discharged by this officer—one whom England is still without, notwithstanding the general admission that a Public Prosecutor is indispensable to the efficient administration of justice. 'I would invest him,' Mr. Hill continues, 'with such 'portions of the *patria potestas*, as experience showeth it was 'desirable he should possess—as an intervening tribunal between 'the Courts of Justice of the Peace and the paternal authority,

'or the authority of masters, as it now exists. I would try to 'clothe him also with the powers of a Court of Reconciliation—in '*quasi*-criminal matters. I would appeal much to his discretion, 'for many reasons; among others to cultivate that power in his 'mind, and keep him out of routine.

'We have multiplied offences exceedingly of late years— '*driven* to it, to a certain extent, by the complications which 'advancing civilization is constantly creating. Every new 'invention brings some in its train, as railways, &c. We are '*led* into it by the increasing fastidiousness of society, and by 'the weakening of the principle of deference to superiors—a 'price we pay for our increasing democratical development. 'Those and many other causes call for the exercise of discretion- 'ary power in prosecutions, to prevent their being vexatious. 'Again, the sanitary requirements of the country, which are 'becoming more and more imperative with every addition to our 'population, demand that the power of prosecution shall be 'lodged in hands free from local influences. . . . The proprietors 'of unwholesome manufactories, &c., are too strong to be dealt 'with by Town Councils or their officers. No doubt the head 'of the Public Prosecutors should be a Minister of Justice; 'but that, you will say, is entering into a field too large for 'the present occasion. Yet it is difficult to deal, in theory 'at least, with any part of this great subject (the treatment of 'offenders) without feeling that each part is so linked to every 'other as to make separation exceedingly difficult.

'I now suppose the offender to be brought before the 'examining Justice; and here I may remark that your 'projected improvement of giving the Justices the power of 'liberating the prisoner on his own recognizances, remedies 'the most striking, and perhaps the only very important, 'defect which yet remains. With that additional power, and 'with the power which they already have to hear the witnesses 'of the accused, coupled with their proposed jurisdiction to 'convict in slight cases of theft, it will be the fault of the 'Justices alone should any considerable number of cases of 'committal occur, for the future, where the prisoner turns out 'to be innocent, or where the delay of his trial will work any

'signal hardship. That being so, I throw out for grave con-
'sideration, whether the frequency of Assizes and Sessions may
'not be overdone. Nothing struck me more than going, during
'my studentship, to the Old Bailey, to find the moral atmosphere,
'so to speak, of that Court so far inferior to the Courts of
'Assize in the country. It had the air and associations of a
'huge Police Court. The audience was of a low class, and I
'could not but feel that the sanction of high public opinion
'was absent. No Londoner goes to the Old Bailey, just as no
'Londoner goes to the Tower—because he may go every day.

'M. D. HILL.'

His co-operation in the reformatory movement, the preparation of his Maine-law Charge, and the controversy which arose after its delivery had, during the past twelve months, imposed upon Mr. Hill labour more onerous even than usual. At length this accumulation, added to his duties as Commissioner, completely broke down his health, and in June he was compelled to seek its restoration in foreign travel. Suffering from depression, change of scene alone would have done him little good. The distraction of an absorbing human interest was needed, and he bent his steps to Mettray.

To Lord Brougham.

'TOURS, *June 29th*, 1855.

'You will, I am sure, be glad to hear that I am all the better
'for rest and change, although still far from able to do much
'worth doing. I have been at Mettray, and have again enjoyed
'the advantage of inspecting the *Colonie* in company with Demetz
'and his principal officers, especially Blanchard and Mahoudeau.[1]
'Our discussions have been very full, and to me very interesting.
'You probably know that the financial prospects of the In-
'stitution are very unfavourable, not to say alarming. The

[1] M. Blanchard was one of the first pupils in the Training School for Teachers, which, begun before any *colons* were received, has afforded to Mettray the inestimable advantage of a never-failing supply of efficient and devoted officers. He is now Director of Mettray, having succeeded to this office on the death of M. Demetz in 1873. M. Mahoudeau was at the head of the statistical department of the *Colonie*.

'Minister of Agriculture has lowered his subvention for the last 'year from 40,000 to 20,000 francs, with an intimation that the 'whole may be withdrawn for the future. The Minister of the 'Interior has withdrawn his altogether. Its amount was 12,000 'francs, so that the Institution has already lost nearly £1,300 of 'income, with almost a certainty of further privation. These 'difficulties have been met by the officers, and even by the '*colons* themselves, in a noble spirit; the former offering to 'remain at half their stipends, and the latter to increase their 'hours of labour. But these expedients will, I fear, be in-'sufficient for any other purpose than to show—what certainly 'requires no new demonstration—the surpassing excellence of 'the institution, in its principles and in its practice. Neither 'the one nor the other can be over-estimated. The more I in-'quire, the more I am delighted with what I learn. It is im-'possible to determine whether Demetz is more admirable as the 'author of a great and perfect theory, or as a man of high 'administrative talent. Or, lastly, as exercising these great 'faculties, with zeal, industry, and perseverance, which create 'in my mind reverence and even awe, for a devotion which seems 'to me to transcend the limits of human virtue.[1]

'When we speak of Mettray, we speak of a *congeries* of 'difficult undertakings to be carried on by the instrumentality 'of a body of youths, not selected for their merit or capacity, 'but for the qualities which are, *primâ facie* at least, altogether 'repugnant to their usefulness. Such a body can only be made 'to act to any good purpose by bringing every motive to bear 'upon them, within the compass of possibility to turn to good 'account; none must be omitted which will influence some or 'other of the immense variety of tempers and dispositions which 'must be brought into harmonious operation; and the scheme 'must not only be thoroughly developed, but, with unremitting 'perseverance, kept in the fullest exercise of its almost innu-'merable details. . . . When I saw the never-ending elaboration

[1] The high appreciation entertained by Mr. Hill for M. Demetz was reciprocated. The latter sought his friend's society whenever circumstances made it possible, declaring that he—Demetz—could not spend his time better than in conversation with him.

'of management and accounts necessary to accomplish all the 'purposes of Mettray, I was struck with the immense amount of labour which must have been required to devise so complete 'and minute a system; to say nothing of that demanded to keep 'it in motion, because the more complete the details, the greater 'the danger of their falling gradually into desuetude.

'I asked Demetz whether he had in any work given a full 'enumeration of such details, or made what, supposing the 'subject to be legal procedure, we should call, *a book of practice*. 'He told me he had for years been engaged on such a work, and 'that it had become extremely voluminous, which I could well 'understand.

'Pondering on the labours demanded to produce the results 'which I saw before me, I availed myself of my opportunities to 'learn the habits of life of this extraordinary man. From one 'of his sons-in-law, I find that he is so absorbed in his object 'that he does nothing, and goes nowhere, but with strict refer- 'ence to it. He lives with his officers, and spends every moment 'he can spare from writing and unavoidable journeys, among 'the *colons*, over whom he has an unbounded influence, which 'extends also to the teachers. The whole establishment is not 'only governed by one mind and moves along under the in- 'fluence of one heart, but *is* one mind and one heart. Obedi- 'ence seems almost merged in tension of will. He tells me his 'hour of waking up to business is 3 A.M. At four he begins to 'write, remaining in bed, and using a pencil instead of a pen. 'What time he rises I do not know, but it is very early, I have 'no doubt, it being important to see the great machine begin its 'daily movement. His power of endurance of fatigue will not 'appear so wonderful to you, who possess it in a high degree, 'as it did to myself. 'M. D. HILL.'

To Monsieur Demetz.

'TOURS, *June*, 1855.

'. . . Your kindness and liberality induce you a little to 'over-estimate what we are doing in England, in bringing refor- 'matory principles into action. The number of Reformatories

'among us is, at present, but small; and the number of youths 'in each Reformatory is also inconsiderable. What those among 'us who take an interest in the subject have been chiefly labour-'ing for is, to diffuse reformatory opinions among the people at 'large, combating the scepticism which has prevailed as to the 'possibility of reforming any criminals, old or young, as a rule; 'subject, perhaps, to an exception now and then, which, how-'ever, in their minds left the principle untouched. This 'scepticism is now very much diminished; mainly by our having 'the power of pointing triumphantly to Mettray, together with 'the German and American institutions which have a similar 'object in view, although the means employed may differ in 'some essential particulars. Whether it is from our being more 'intimately acquainted with Mettray than with any other foreign 'institution, or whether (as I believe) from Mettray being the 'most perfect exemplar of a reformatory institution which the 'world has yet seen, most assuredly Mettray has been worth all 'the others to us, as affording proof that the vast majority of 'young criminals may be trained up into honest men, and useful 'members of society. 'M. D. HILL.'

At his instance M. Demetz came to England in the following October, snatching a few days from his labours, to aid in this country the cause to which he had devoted his life. He now paid the first of several flying visits to Heath House, none lasting more than three days, while this one barely exceeded twenty-four hours.[1] One incident in that busy day was a gathering of friends to the movement, hastily summoned by his host. The rapid exposition given by Demetz of the principles on which Mettray had been established was reported in the *Times*, and thence widely reproduced. This meeting achieved a publicity unexpected by its promoter. The country, already interested, needed only a spark to kindle sentiment into action; and the few words addressed to a score of individuals in a private room at Bristol, hastened the establishment of many a Reformatory in various

[1] A memoir, published since his death, says that when M. Demetz visited friends in his own country, it was with his watch in his hand, and that the length of a call from him rarely exceeded five minutes.

parts of the country. 'Your visit,' wrote Mr. Hill, after his friend's departure, 'has produced a great sensation in England. 'May the consequences be good both for Mettray and for us! I 'send you four newspapers, containing articles in each of which 'Demetz is the hero. In one, namely the *Times*, you are praised 'at my expense—a contribution to your fame which I should 'be glad to make every day of my life.[1] The report [of the 'meeting at Bristol] I have already seen in a multitude of news-'papers, and I have no doubt it will, to use a common expression, '"go the round of the press." We have received letters regretting 'their absence from nearly all those invited who could not attend. 'Pray come among us again to repeat, extend, and deepen the 'impression which you have made.'

To the Rev. Whitwell Elwin.[2]

'HEATH HOUSE, *Jan. 18th*, 1856.

'. . . I read the article on "Reformatory Schools" with deep 'interest. In a short space it comprises all the important prin-'ciples of reformatory science, which the author has most accu-'rately apprehended, and tersely and very clearly expressed. I 'could not put my finger on any article which—whether its 'intrinsic excellence is regarded, or the vehicle in which the 'instruction conveyed by it will be disseminated through society—'is likely to do our cause such extensive service. So far *pro*, 'now for the *contra*.

'I think less than justice is done to Mettray, more than 'justice to Parkhurst. Judging from internal evidence, I should 'doubt if the author has visited Mettray. And without a visit 'I think it is impossible by any amount of reading, justly to 'appreciate the value of that noble institution. The author 'puts by far too much weight on the military observances of 'Mettray, which do not infer a military spirit beyond that which 'we should all like to see in every concourse of human beings, '*i.e.* so much of punctuality, promptitude, and unity of action,

[1] *Times*, Oct. 11th, 1855, in an article animadverting on Mr. Hill's Ticket-of-leave Charge.

[2] Editor of the *Quarterly Review*.

'as does not interfere with freedom of thought; and which is not 'produced by any overweening exertion of command. The 'military spirit—meaning by that a blind obedience, with the 'indifference to suffering which, beginning by contemning it our-'selves, ends by despising it for others in a much greater degree, 'has no place at Mettray.

'Again, I think too much stress is put on the principle of 'emulation—I mean on the evils of its employment. Emula-'tion is doubtless what Bentham calls a "self-regarding virtue," 'and is consequently prone to result in mere selfishness; but it 'must never be forgotten that by the division into families the 'social feelings are brought strongly into action, which in time 'spread to the whole community, and thus Mettray becomes an '*alma mater*. To the *ex-colon* it stands in the place of a home 'and a family. Those who were his colleagues are his brothers, 'and even his successors are his cousins inhabiting the paternal 'mansion. "You like to come and see us at Mettray now and '"then?" said Demetz to a *ci-devant colon*, now a young soldier. '"Indeed we do," was the reply; "we are glad to walk a long dis-'"tance to come, and when we catch sight of the steeple we can't '"*walk* any longer, we run!"' The Quarterly Reviewer had objected that the lads at Mettray were more dependent on system than elsewhere, and hence the dangers of the return to ordinary life were aggravated. Mr. Hill controverts this view. He points out counterbalancing agencies—especially the "patronage" exercised over the youths after departure. Then, in reference to the subject generally, he remarks—'Removal from school to 'college, and from college to what is called real life, are changes 'not without peril. That peril, in all probability, will be aug-'mented the lower we descend in the scale of early moral and 'intellectual training, because the less the internal power of the 'individual, the greater his dependence on external influences.

'M. D. HILL.'

A display of sectarian feeling among some of the promoters of the reformatory movement led to the following remarks. Mr. P. J. Murray, to whom they are addressed, was the proprietor and editor of the *Irish Quarterly Review*, which for several

years did good service in the reformatory cause. An article by him upon this subject led to a correspondence which soon extended to other topics.

To Mr. Murray.

'HEATH HOUSE, *Jan. 25th*, 1856.

'Fair play's a jewel! It is this profound and recondite maxim 'which has set me so strongly against the mischief-makers of 'whom you ask my opinion. They have admitted that their 'object in proposing a test was to get rid of Unitarians on the 'one hand, and Roman Catholics on the other—or, in other 'words, of Mary Carpenter (!), the most distinguished female 'reformer, and Demetz (!!) the most distinguished male re-'former—to supply their places by a few miserable, narrow-'minded, uncharitable, unscrupulous sectarians, who think '"Shibboleth" the finest word in the Bible, and who, as they 'cannot smite those who think differently from them with the 'edge of the sword, feel that they are born too late and out of 'due season, and who console themselves for their misfortune by 'doing as much mischief as their petty natures can achieve! I 'have advised ignoring, as much as possible, their existence. . . . 'I feel I ought to like Hallam better than I do; but on Black-'stone I take up a position—retreating no further than simply 'to admit that his style is to me more perfect than that of Hume. 'As an expositor, therefore, he is *omni exceptione major;* but as 'a legislator, a jurist, and a general reasoner, he stands low in-'deed. Bentham's *Fragment*[1] disposes for ever of his pretensions 'in these three capacities.

'Do not forget that Macaulay's *power* is a most important 'element. If a man can induce people to buy 30,000 copies of 'his book before one has been seen; if his doctrines are in the 'main sound and enlightened; and if they relate to matters on 'which it is of the highest public importance that we should 'take right views, all differences that resolve themselves into 'questions of taste fall into insignificance.

'M. D. HILL.'

[1] *Fragment on Government*—Bentham's first work.

To the Same.

'Johnson says of Milton that "the heat of his genius subli-
'"mated his learning." *Theirs* [speaking of certain religionists]
'is not hot enough to melt their theology—or rather to smelt it,
'as it is yet in the ore. They puzzle themselves with a few
'texts, such as "the governor shall not bear the sword in vain,"
'which they interpret to mean that he must smite somebody,
'for something or other. Meanwhile the great and glorious
'spirit that breathes through the Book, from St. Matthew to
'Revelations, is unfelt and unheeded. Do you remember
'Swift's description of a Quarter Sessions?—

'"Three or four justices full of October,
'"Three or four parsons between drunk and sober,
'"Three or four Statutes misunderstood," &c., &c.

'This last line reminds me of many people's religion.

'La Condamine's impromptu is admirable—"*Il est bien sourd,*
'"*tant mieux pour lui; mais non pas muet, tant pis pour elle,*" is
'as perfect as if written by Voltaire or Piron. It is quite new to
'me. Paul Louis Courier's letter on the loss of his election
'should not be forgotten. It contains one or two capital hits;
'as, for instance, Richelieu, the Founder [of the French Academy]
'appointed no salary to the members—"lest," as he said, "the
'"nobles should intrigue to get their valets elected. Alas! they
'"did worse, they got themselves elected! Nevertheless," he
'continues, '"*la noblesse n'est pas de rigueur—l'ignorance bien*
'"*constatée, suffit.*" You know the French idiom in speaking of a
'man of high talent—"*Il a de l'esprit comme quatre.*" Somebody
'praising the Academy forty before Voltaire, he answered,
'"*Oui, elle a de l'esprit comme quatre.*"

'M. D. HILL.'

To the Same.

'HEATH HOUSE, *Jan. 29th*, 1856.

'. . . You have sent me a most welcome present.[1] It is a
'gem! I know not which most to admire, the matter or the
'simple, graceful, and translucent style. It ought to have a

[1] *Lecture on Bacon*, by Archbishop Whately.

'very large sale, and become a little book of "household words." 'A man who would read, mark, learn, and inwardly digest, and 'then *act upon* the wisdom of this *libellus*, might almost do 'without reading any other. . . . But with regard to Emerson, 'Carlyle, and some of the Germans (*some*, mark you) the Arch-'bishop is less than just—or rather he gives only one phase 'of their character. That a *clear* idea is generally a *little* 'idea, though not true, has truth in it. There are ideas which 'it is right to enunciate, although in the present state of our 'knowledge they cannot be completely defined, or, if I may 'so speak, fully *exploitées*. The arithmetician deals only with 'quantities, all the properties and relations of which he begins 'by knowing thoroughly; but the algebraist begins by deal-'ing with quantities of which he knows but little, but using 'that little well, he, step by step, learns everything. x begins 'by being an unknown quantity, or, more accurately, a quan-'tity respecting which he only knows a little; but when the 'problem has arrived at its solution he knows all about it, and 'x therefore ceases to be an unknown quantity. Now, may 'not the best of the German School—those whose ore really 'contains gold—do great service by turning out their idea, and 'getting it well thumped and crushed, as they serve the quartz 'at the Diggings, until, after much rough usage, the metal is 'separated from the dross?

'I have read part of your article on Fashionable Poets which, 'brings back many recollections. One of my earliest memories 'of profane verses is of the Ballad of *Leonora*, which I heard my 'aunt repeating to my father when I was eight years old. It 'made going to bed a difficult operation for some time afterwards. 'Reading Chaucer, Shakspere, and Milton makes one impatient 'of these people, I mean of the Fashionable Poets, not of Bürger. 'Do you call to mind his *Wildgrave?* I suppose I have not read 'it for forty years, but I prefer it to *Leonora*. . . . To me, the 'habit of these Fashionables of turning every substantive into 'an impersonation is *fade* to the last degree, and puts me out 'of temper even with Faith, Hope, and Charity—at least for the 'moment.

'Your precaution lest I should confound the two Robert Halls

'amuses me, having known both.[1] I have not read Caird's 'Sermon, and almost think I know enough about it without 'reading. I wish I liked sermons better than I do!

'M. D. HILL.'

To Mr. Elwin.

'HEATH HOUSE, *January*, 1856.

'. . . I heartily concur in your views both as to the excel-'lences and defects of Fielding. He never runs into caricature, 'although he sometimes advances to its very edge, as in the 'lamentations of Parson Adams at the absence of his sermon on 'Vanity. The exquisite scene in which these occur would have 'produced the effect of caricature had it been earlier in the 'work; but it is delayed until the reader has become so well 'acquainted with the character of Adams as to feel that the 'extravagance is within the bounds of nature. This absence of 'caricature is one, but only one, of the qualities in which Field-'ing is superior to Smollett. When the Commodore makes tacks 'on horseback, when riding to church to be married, because 'the wind is against him, we all feel that to be a caricature, and 'after the first reading, we never laugh at it. But the great 'want which I always feel in Smollett, is of that hearty good-'nature which beams through the works of Fielding. Peregrine 'Pickle is an ill-conditioned Tom Jones, and more dissolute.

'You are charmed, I see, with the *Voyage to Lisbon*. To my 'thinking, it is a perfect model of writing. Every line is worth 'a king's ransom. I remember to have been very much struck 'with Fielding's additions to the *Médecin Malgré Lui*, in the '*Mock Doctor*—they are so perfectly Molièresque. The Doctor's 'retaliation on his wife, who had forced his medical character 'upon him, by ordering her to be put into a strait waistcoat and 'blistered as a mad woman, is so thoroughly in keeping with 'the tone of the piece, that one feels sure that Molière would 'have adopted it as his own; and yet I perfectly agree with you 'as to the paucity of the *vis dramatica* in Fielding's plays.

'Fielding answers to that touchstone of genius, the power of

[1] The Rev. Robert Hall, and the late Mr. Robert Hall, M.P., Recorder of Doncaster, author of an admirable lecture on Mettray.

'doing justice by description to that intense love of children 'which is common to us all, though in some it may, from the 'accidents of life, remain latent for a long period. Let me 'instance that wonderful union of the humorous and the pathetic 'which occurs in the scene where Adams' lesson on fortitude is 'interrupted by the news that his little son, of *Lege-Dick-lege!* 'immortality, is drowned.

'I observe that Scott, when speaking of Fielding's children, 'says he does not know what became of them. One went to 'the Bar, and practised at the Old Bailey, within the memory of 'men whom I knew.

'M. D. HILL.'

To Edwin Hill.

'HEATH HOUSE, *January*, 1856.

'Thanks for your book.[1] I have read the work through 'from beginning to end, and have arisen from it with a deep 'conviction that you have brought together, developed, and 'demonstrated the true principles of Currency. That they lay 'at or near the surface, and that one or other of them had been 'handled and its value proved, detracts nothing from your merit. 'Your discovery is like that of the copper in Australia, which 'natives and shepherds had been kicking about, unconscious of 'its value. Yet while this fact in no wise diminishes the services 'you have rendered, it gives you means of proof which you other-'wise would not have possessed. That the panic of 1825 was 'stayed by the issue of bank-notes, and that of 1847 by the 'threat or promise of such an issue, are two facts of incalculable 'importance to your argument, and are precisely of a nature to 'be appreciated by the monetary world. It is very fortunate 'that you have been able to prove your case without speaking 'a word in disparagement of others. As far as I know, you are 'the first who has done justice to the Birmingham theory, by 'seeking for and producing the one grain of wheat in their bushel 'of chaff—and an ample and honest bushel it is!

'M. D. HILL.'

[1] *Principles of Currency; Means of Ensuring Uniformity of Value, and Adequacy of Supply*, by Edwin Hill. Longmans, 1856.

To Mr. Jaffray.

'HEATH HOUSE, *Feb. 24th*, 1856.

'I have been much gratified with the bearing of the *Birmingham Journal* in the late Sunday fight, in which organization has snatched the victory both from merits and numbers. Are you acquainted with the work of Vansittart Neale on the *Festivals and Fasts of the Church?* You will find the facts of his book of greater weight against the doctrine of the Sabbatarian observance of the first day of the week, than any which have yet, as far as I know, been cited. He shows that the earliest Council recorded in history directed its censures against Sabbatizing, or in other words, against the Hebrew observance of the seventh day. What is even more remarkable, it says that the first duty of Christians is to maintain themselves by their labour—any members of the Church, however, who can afford to rest one day in the week would do better to make that day the Sunday, as they would thereby be enabled to give more attention to divine service . . . Can anything show the tyranny of organised minorities more thoroughly than these two votes of the House of Commons, one, last session, that ale-houses shall be open on Sunday, the other, this session, that the British Museum shall not! You perhaps would say—"open both." That I can understand. So I can the ascetic, who says—"open "neither;" but, if only one is to be opened, what am I to think of —— and of —— demanding that the privilege shall be given to the publican? "Not this man, but Barabbas. "Now Barabbas was a robber." 'M. D. HILL.'

Writing in 1854 to the Secretary of the Lord's Day Observance Society, Mr. Hill had said:—'Speaking from a long experience, I believe that the intemperance of the people of this Island is in no small degree caused by the ascetic observance of the day which you erroneously, as I must think, call the Sabbath. It is exceedingly painful to me to make this avowal. From those who hold similar opinions to yourself and your colleagues, I have had invaluable assistance in my poor endeavours to do good; and I mourn over a difference of opinion that I fear may sever me from many whom I love, admire, and even reverence.'

To Lord Brougham.

'COURT OF BANKRUPTCY, *May 9th*, 1856.

'I have just read with great pleasure the *History of England 'and France under the House of Lancaster* [by Lord Brougham]. 'I suppose I was in Italy in 1852 when the book was published, 'and that my absence, and that of the author's name, prevented 'my attention being drawn to this most remarkable work. It 'has convinced me, or rather, would have done so but that I 'was convinced before, that—to give a parody of a well-known 'saying, which shall have more truth than the original—we shall 'have no good histories until either historians are lawyers, or 'lawyers historians. None but a lawyer, and no lawyer of a 'common sort, could so have dealt with Oldcastle and his 'companions, as I find them discussed in the Notes.

'M. D. HILL.'

In the course of this month Mr. Hill again had the gratification of receiving M. Demetz at Heath House. Though suffering from lameness, which obliged him to use crutches, the latter visited as many of the reformatory institutions in its neighbourhood as time permitted. The charm of his conversation, adorned with wit and pathos, and drawn from the resources of a cultivated intellect of the highest order, made the few hours he could spare from his serious labours delightful to those who enjoyed the privilege of his society. Any attention to himself, still more any proof of sympathy with Mettray, would call forth a graceful expression of gratitude, not unseldom strengthened and illustrated by some quaint remark, or apt quotation. On receiving a donation for Mettray, with which his host had been entrusted, he remarked that he was reminded of Racine's lines—

'"*Tu trahis mes bienfaits, je les veux redoubler;*
'"*Je t'en avais comblé, je t'en veux accabler.*"'

The lines are not Racine's, but are from the *Cinna* of Corneille, as Mr. Hill was able to suggest, while he admitted the presumption of correcting M. Demetz.

A friendly gathering at Hardwicke Court in 1855, had resulted in the formation of the National Reformatory Union. Its purpose was to discuss questions of reformatory science, and M. Demetz accepted an invitation from it to attend a special meeting to be held, in the present month, in the rooms of the Law Amendment Society.

To Florence Davenport-Hill.

'GRILLON'S HOTEL, ALBEMARLE STREET, *May* 31*st*, 1856.

'. . . M. Demetz was thoroughly successful with his small 'audience, although at first apparently as much alarmed as if he 'were going to be placed on the rack. He, M. Verdier, and I 'dined at Robert Hall's yesterday.[1] In the evening came Mr. 'Wheatley Balme, Captain Crofton, Sir Edward Kerrison, Mr. 'Power, Mr. Liddell (son of Lord Ravensworth), &c. &c. To-day 'I attend, in fulfilment of a promise made to Lord Brougham, 'the Married Women's Property meeting—Sir John Pakington 'in the Chair.

'*June 2nd.*—. . . I am just come from the Committee [of 'the House of Commons on Transportation], having been under 'examination the whole sitting, from a little past twelve to a 'little before four. I go again on Thursday to be polished off. . . . 'To-morrow I dine at J. Paget's [the Police Magistrate, one of 'Mr. Hill's most valued friends], and afterwards must look in 'at Mr. Wheatley Balme's, with whom M. Demetz dines. His 'journey to Redhill [to lay the first stone of a new house at the 'Reformatory] did him no good. The pain of his wound is 'great, and he uses his crutches very much. On Wednesday 'he intends to go to Bruce Castle, and dines with the Lord

[1] M. Paul Louis Verdier had been a member of the Parisian Bar, and while in that position devoted much time to charitable work. Visiting Mettray, soon after its commencement, he like many others became irresistibly fascinated. Quitting his profession, he took upon himself the management of its *Patronage* department at Paris, for which his natural gifts peculiarly fitted him. To it he gave his gratuitous and most successful labours during eighteen years. In 1858 a fever ended his life. A room called in his memory *Chambre Verdier* is reserved at Mettray for the parents and friends of *colons*, who visit the Reformatory. At the request of the King of Portugal M. Verdier organised in that country an institution on the model of Mettray.

'Mayor; and I shall, if possible, join him, after dining at 'Lincoln's Inn.'

'*June 5th.*—M. Demetz and M. Verdier left for Paris at a 'quarter past seven this morning. Lord Leigh paid them the 'attention of accompanying them in his carriage to the station. 'Poor Demetz is much wearied. He has had bad news. M. 'Gasparin has been struck with paralysis.[1] The Loire has 'broken down its dykes, and the Mettray lads are at work, 'giving aid to the neighbouring inhabitants.

'M. D. HILL.'

The flood threatened Tours. A crowd of the inhabitants were gazing in despair on the scene at a spot where the road from the *Colonie* enters the city, when suddenly the sound of music was heard. A column of Mettray lads three hundred strong, headed by M. Blanchard, their band playing, their pickaxes on their shoulders, were beheld approaching—volunteers hastening to give their help in keeping back the impending waters. They were sent to a dyke where they laboured at the risk of their lives for two days and a night, and by their zeal and devotion lent important aid in averting the danger. In gratitude the Municipal Council commanded a gold medal to be struck, bearing the inscription—"*La Ville de Tours à la Colonie de Mettray, "reconnaissante.*"

'All honour to the Municipal Council of Tours,' wrote Mr. Hill to M. Demetz—'which in recognising virtue, though 'obscured by a cloud, and proclaiming it to the world, has 'lighted a beacon which, I trust in God, will direct and encourage 'many a poor lad on his toilsome way from wrong to right! 'If the *colons* of Mettray bear me in their memory, pray tell 'them how their admirable conduct has rejoiced my heart.' To Lord Brougham he said:—'If your health and time will 'permit, a few lines to Demetz, congratulating him on the 'striking proof which this calamity has enabled him to give of 'the soundness and efficiency of his principles and practice 'will, I know, be esteemed as a valuable boon. He tells me

[1] M. le Comte de Gasparin was a fellow-labourer with M. Demetz in founding Mettray.

'that he considers what has occurred has put Mettray in a 'condition of security as regards its support by the French 'Government; and, certainly, if the whole had been pre-arranged 'by conspiracy, it could not have been better calculated to 'touch the French mind.'

The next letter treats of a subject which, as will already have been seen, Mr. Hill held of great importance. It was written because unavoidable absence prevented his expressing his views *viva voce* at an annual meeting of the Home for Outcast Boys at Belvidere Crescent, Lambeth. Mr. Whitehead was one of the earliest workers in the institution. It nearly resembled the Industrial Schools of the present day, and was closed after the passing of the Act for their establishment.

To the Rev. Henry Whitehead.

'HEATH HOUSE, *June* 1856.

'To me it has always appeared that the first object to be 'attained in every charitable institution which admits of its 'being attained at all, is to make it self-supporting. . . Probably, 'however, it may be urged by some that if such a benefit is 'bought at the price of disabling your wards from maintaining 'themselves creditably in after life, it is bought too dear; and, 'certainly, if I were prepared to admit the fact I would not 'resist the conclusion. But I have no fear that a lad who, under 'Mr. Driver [the Superintendent], has learnt to do his part 'in any employment in which he may have been engaged at 'the Home, will ever meet with more than the ordinary diffi- 'culties in earning a sufficiency for his wants when grown up 'to manhood. If his training were limited to the acquirement 'of a mere *spécialité*, as the French call it, the lad might leave 'Belvidere Crescent with no more power of making himself 'generally useful than is possessed by a wheel or pinion of 'a given machine, when turned out of combination with the 'remaining parts; but here, not only his fingers but his head 'and heart have been under education; he becomes intelligent, 'moral, religious—he is industrious, and he has learnt the 'art of self-government. With these qualifications he has

'immense advantages over every competitor who is merely in 'advance of him in the special knowledge or dexterity which 'belong to any handicraft in which they may be engaged.

'During a pretty long experience of life it has often occurred 'to me to observe how quickly one who brings to the contest a 'general development of his powers, overcomes an antagonist 'greatly superior to him, at first, in his acquaintance and famili- 'arity with the subject of their conflict. I was led to con- 'sider this question in early life. At Birmingham, my native 'town, it has passed into a proverb that no artisan works 'at the trade to which he was brought up, and this is almost 'a literal truth. Some are forced to migrate to a new trade 'because their own is dying away; others are attracted to 'those which are springing into existence, by the hope of aug- 'menting their wages. Others, again, change their handicraft to 'one for which they are better fitted by nature, or which better 'suits their predilections; and it is almost marvellous to observe 'how rapidly they acquire their new art, while the old one which 'they have abandoned often furnishes them with useful sug- 'gestions for the improvement of that for which they have 'forsaken it. All this will cause no surprise to those who call to 'mind the fact that among the most eminent in every science and 'every art, will be found men who have come to it from some 'other avocation. Let me enumerate a few names. There was 'John Hunter, a carpenter until the age of twenty-seven, and who 'then became the greatest of English surgeons. Erskine, who 'had served both in the army and in the navy before he became 'the greatest advocate this country ever knew. A few years 'ago the Cathedral of this city possessed a prebendary, Dr. Lee, 'a profound Hebrew scholar, and a great linguist in other 'tongues, who, I believe, knew no language but his own until he 'had nearly arrived at manhood, up to which time he wrought 'with his hands.

'I might multiply instances *ad infinitum*. I might cite the 'names of the great artists in Italy, of Leonardo da Vinci, who 'was at once a glorious painter, an engineer civil and military, 'a sculptor, a poet, and a most accomplished musician—of 'Michael Angelo, the greatest of painters, the architect of

'St. Peter's, the defender of his native city by his admirably-
'planned fortifications, and the sculptor of the David. He also,
'like Rubens, was a statesman; and whoever has read his Son-
'nets will agree that he was no mean poet. As the head of a
'family which yet flourishes, he is remembered as their adviser
'and affectionate patron.

'Whoever shall consider these things may perhaps doubt if
'we have not carried in our age and country the principle of the
'division of labour to an undue extent in our minds, when we
'evince so much fear, as we often do, lest a multiplicity of em-
'ployments should be fatal to the acquirement of sufficient skill
'in any one, to enable a lad to hold his own in this world of
'competition. Depend upon it, so long as you can send out
'good, zealous, observant, reflecting, industrious, and handy lads,
'who have learnt to do any one thing well enough to earn a
'subsistence by it, however humble that subsistence may be, you
'need have no fears as to their prospects in life.

'M. D. HILL.'

The National Reformatory Union assembled for its first provincial meeting (on the model of the British Association for the Advancement of Science) at Bristol this year, Lord Stanley being its President.[1] The Papers read referred to the treatment of young offenders; with the exception of one by Lord Brougham, on the "Inefficiency of simply Penal Legislation," which dealt generally with the repression of crime. Writing to its author, Mr. Hill tells him—'The gathering has been
'eminently successful, and reformatory principles are, I trust,
'well planted in the west of England. . . The Dean of Bristol
'read your paper with great effect, having well studied his
'MS.; indeed, he conned it like a boy at school.[2] The great

[1] Before the time for the next provincial meeting arrived the Union had developed into the National Association for the Promotion of Social Science.

[2] Lord Brougham's caligraphy which has been known to baffle even the "Blind Clerk" at the Post Office, and his habit of using initials for words, rendered his MS. sometimes almost impossible to decipher. A letter was received from him by Mr. Hill treating of French politics, in which the designations "Louis Philippe" and "Lord Palmerston" constantly recur. Both were represented by the initials L. P. The consequent confusion may be imagined.

'truths which relate to the treatment of criminals were clearly 'and eloquently set forth, and produced great effect on the 'audience. It did good service—as Maconochie reminds me 'in a letter received this morning—by obliterating, to a certain 'extent, the distinction between old and young, in criminal 'treatment. The principles are the same, the adaptation of 'course different.

'We have received invitations for next year both from Liver-'pool and from York, but nothing has been resolved on. Lord 'Stanley urges us to go to Liverpool, and promises to ensure us 'a good meeting.'

To the Same.

'HEATH HOUSE, *Jan. 2nd*, 1857.

'. . . . I slept on Wednesday night at Adderley's, and went 'yesterday with Joseph Sturge and Richard Cobden, to visit 'Sturge's Reformatory near Droitwich, with which Cobden and I 'were very much pleased. There are thirty lads living in a farm-'house of the humblest sort. The greater number are employed 'in husbandry; those who do not like, or are not fitted for out-of-'door labour, working, some as tailors, and some as shoe-makers '—all turning out at harvest time, either on their own farm or 'for the neighbouring farmers. The lads evidently work with a 'will. Cobden and I asked them searching questions to ascertain 'their views of morals. . . I was agreeably surprised by the high 'rank which they gave to the labour of the brain, and the 'appreciation of its wonderful efficiency as exemplified in the 'case of Watt.

'After all, perhaps the safest criterion by which to judge 'on a hasty visit, is the appearance of the lads, which was 'highly favourable both as regarded health of body and mind. 'Their countenances were frank and intelligent, and they 'were respectful without the least taint of servility. Many of 'them had been sentenced by me, but there seemed to be no 'feeling of any kind arising out of that circumstance.

'We afterwards went to Westwood Park to call on Sir John 'Pakington, who showed us his very curious and interesting

'mansion. His ancestor is the traditionary Sir Roger de 'Coverley.

'Cobden, I should tell you, with whom I had no acquaintance, 'sought me out to talk about the panic regarding ticket-of- 'leave men, which, he is very naturally afraid may lead to 'foolish legislation. He seems inclined to take up the question, 'and to treat it rightly. Adderley and Pakington both volun- 'teered a general agreement with my views, according to the 'exposition of them contained in my Charge of Monday last.[1]

'M. D. HILL.'

There are some philanthropists who are apt to regard the branch of work to which they have devoted themselves as affording the only means by which the war against evil can be successfully waged. The search after a universal remedy, however, will prove as futile in social diseases, as in bodily ailments. 'But there is a unity in truth,' wrote Mr. Hill, 'and we shall all 'meet, although we may approach our objects by different paths. 'Diversity of opinion, of circumstance, of temperament, lead men 'who are desirous to do good, into very different ways of accom- 'plishing their object. If they are in the way to do any good 'at all, it is best to let them alone; and not run the danger 'of diverting them from one object, without engaging them 'upon another. And even if they are altogether in error, sup- 'posing them to be honest in their intentions, we must still 'be cautious how we interfere with them. If you leave them 'to themselves they gradually learn that they have lost their 'road, and strike, of their own accord, into the right way.'

The following letter playfully repudiates the criticism which Mr. Hill's catholic sympathy with all social workers brought upon him.

To Mr. Pope.

'BIRMINGHAM, *Oct. 19th*, 1856.

'In the report of a meeting in favour of the Discharged 'Prisoners' Aid Society here, you will see that I touched on the

[1] Upon the mal-administration of the Ticket-of-leave Act.

'drink-selling nuisance. —— reproached me with not saying 'enough. He is a good man, but not a good artist, and does not 'know that the principal subject of a picture must not be ob-'scured by undue prominence in particular parts. You would 'be amused to hear the reproaches which I bring upon myself 'for doing something—those who do nothing escaping censure. 'One cries out—"Prevent crime, and then you will have no need '"to reform it." Another says—"Let it alone, and it will die '"out of itself. You reformers are only propping up a rotten '"system." Some say—"Reform the dwellings of the poor, and '"you will reform their morals, and thus get rid of crime." 'Others—"Establish schools and places of refuge for those who '"have not yet fallen, and you will cut off the source of crime." 'Your friends say—"Put not your trust in education, its re-'"formatory power is enormously overestimated. Cut off the '"supply of alcohol, and all will be well." Now I believe in all 'of you—am willing to aid all of you. But I believe also that 'all are wanted, and that no *one* remedy will suffice. *Ergo*, I 'am a black sheep, and if not black enough by nature must be 'well kicked and bruised until my colour is sufficiently dark. 'The field of operation of each of you is a field of "forty '"footsteps;" whosoever cannot, or will not, follow exactly in 'the steps of his predecessor is worsted, and is considered a 'failure.

'M. D. HILL.'

CHAPTER XVII.

REPRESSION OF CRIME.

Original Design—How far Accomplished—Henry Fielding and Sir William Jones—Title of the Book—Dedication to Lord Brougham—Opinions of the Work—Grand Juries—Their Functions Past and Present—Lord Wensleydale—Peculiar Temptations—Employers and Employed—Recreation—Poor Man's *Book of Sports*—Disease and Crime—Remission of Sentences—Frivolous Memorials—Charge of April 1860—Court, of Appeal—Fees to Witnesses—Their Insufficiency—Employment in Prisons—Useless Labour Degrading—Competition with Honest Workers—Prison Labour and Political Economy.

AT a period not long subsequent to his appointment to the Recordership of Birmingham, Mr. Hill projected a comprehensive work which should deal exhaustively with the causes of crime, and the means for its diminution. But time failed for the execution of a design which never proceeded further towards accomplishment than a large collection of notes on some of the many branches of his subject, and the composition of a few chapters. For some years he cherished the hope of supplying what seemed to him a deficiency in the existing material for a philosophical consideration of crime and its repression, and resumed the work from time to time. But the pressure of daily recurring demands upon his thoughts and leisure, increasing rapidly as the reformatory movement advanced, compelled him, after many struggles, to sacrifice what he had looked forward to as the *magnum opus* of his life, and content himself with the execution of a minor project. Writing to M. Demetz, in 1851, he tells him he is preparing his Charges for publication. In the same letter he speaks of the

[1] Several years later he began a treatise upon "Punishment," but this also he was never able to finish.

approaching Conference at Birmingham, held in December of that year. This event marked the beginning of the second division of his laborious life. The Charges had still to await revision, and some years yet elapsed before they could be brought out. Possibly the examples of Henry Fielding and Sir William Jones were in his mind when he resolved to lay his Addresses in a permanent form before the public; precedents afforded by persons of less distinction are not rare.

The title of the book when it at length appeared was *Suggestions for the Repression of Crime, contained in Charges delivered to Grand Juries of Birmingham; supported by Additional Facts and Arguments.* To these the author added articles from Reviews and newspapers, controverting or advocating his conclusions; the extraneous matter being thrown into the form of Introductions and Sequels to the Charges. 'To omit so important a 'feature of the work as the extracts *pro* and *contra*, would scarcely 'have been honest,' he writes to Mr. Rintoul, who had taken great interest in the publication of the book. 'Moreover, it is a new 'feature, giving the reader an opportunity of bringing controverted 'questions into a focus, by presenting, in immediate succession, 'text and conflicting comments; thus fulfilling the main object of 'the republication, which is to stir up thought upon the subjects 'on which I have treated, rather than to settle them. My belief 'is that the science of punishment is only one of many branches 'of the science of the diminution of crime, and that not one 'of these branches has ever been fully cultivated—many scarcely 'touched. I do not pretend to have arrived at the end of my 'journey, but only to have taken a few steps in what, so far as I 'can at present see, is the right direction. If those who come 'after me shall find that even the direction requires to be altered, 'I shall be well satisfied if it should turn out that my error has 'furnished the means by which others have found its correction.

'Indulge me,' he concludes, 'in permitting me to say once for 'all, that but for the aid and support of the *Spectator*, the Philis- 'tines would have been too strong for me. Neither I nor mine 'can ever forget the constant, prompt, and fearless adhesion of 'that powerful journal to the boldest suggestions on which I 'have ventured.'

The book is dedicated to Lord Brougham. A letter giving the author's reasons for this course, and indicating the ground the work is to cover, was to have formed the Introduction, but want of space compelled its withdrawal, and a brief inscription was substituted.[1] Largely reviewed, the historical value of the book was recognised in the accurate reflection it afforded of the progress of public opinion concerning the treatment of crime during the eighteen years of the author's Recordership; while the array of information presented on the questions raised, caused it to be accepted as a very encyclopedia of the subjects with which it dealt. An interest, seemingly not anticipated by the critics, was found to spring from the variety of illustrations with which the principles it advocated were enforced, illustrations gathered from the treasury of a well-read and observant mind; and also from the practical experience of individuals engaged, in very different parts of the globe, in working out the problems involved in the diminution of crime. Sought as a text-book by students in the department of social science to which it relates, and as a guide by administrators of the criminal law, 'it yet'—to use the words of a reviewer in the *Daily News*—'especially addresses 'itself to the jurist and statesman. To them it is indeed indis-'pensable, as the very best and completest English collection of 'information on the all-important subject of which it treats. A 'work, such as this, considerable as are its literary merits, is some-'thing far higher and better than a mere literary success; it is a 'great and useful contribution to the world's store of important 'knowledge—a noble record of an actively beneficent career.'

A friend, rising from the perusal of the book, acknowledged its receipt from the author with these words, quoted from Fuller.

[1] It runs thus;—

I INSCRIBE THIS BOOK
TO
HENRY LORD BROUGHAM AND VAUX,
WHOSE GENIUS AND ENERGY,
DIRECTED TO THE NOBLEST OBJECTS,
WON THE ADMIRATION OF MY YOUTH,
WHOSE FRIENDSHIP HAS BEEN THE PRIDE OF MY MANHOOD,
AND NOW SOLACES
MY DECLINING YEARS.

'When his name is up, his industry is not down, thinking to 'plead not by his study, but his credit. Commonly, physicians, 'like beer, are best when they are old; and lawyers, like bread, 'when they are young and new. But our advocate grows not 'lazie, and if a leading case be out of the road of his practice, 'he will take paines to trace it throw his books, and prick the 'footsteps thereof, wheresoever he find it.'

Another writes:—'I shall not say that you lived before your 'time, because I believe that your efforts have greatly conduced 'to bring about the time in which we have the happiness now 'to live.' A third[1] tells Mr. Hill—'I expected to find very clear 'language and very philanthropic sentiments, combined with 'much law and varied learning; but I was not prepared for a 'book not only as interesting as a novel, but containing in its 'Sequels the foundation of fifty novels, with incidents and 'characters all ready made. I won't go into the merits of the 'great question your whole labours are bestowed on, but I will 'only say you have clearly proved one thing,—that if we don't 'torture we must teach, if we don't exterminate we must 'reclaim.' Another reader found the interest of the book so great that, having finished its perusal, he turned to the beginning and went through it all again.

The present Bishop of Brisbane, Dr. Matthew B. Hale (a lineal descendant of the Chief Justice), was, when *Repression of Crime* was published, Bishop of Perth in Western Australia, where the questions of convict discipline, and of transportation, had pressed themselves painfully upon his attention. From his correspondence and published writings, Mr. Hill had learnt much, and a recent visit of the Bishop to England had given opportunity for conference, besides deepening their mutual feeling of personal regard. His voyage back to Australia was made in a convict-ship, and amid such surroundings he wrote to thank his friend for the book which was his companion on the way:—'The worldly-wise may think us dreamers, but our dreams 'will assuredly prove to be more true than their supposed 'realities. Just in proportion as Christianity itself really leavens 'the lump of mankind, so will people find out that to treat

[1] The Rev. James White, author of *Eighteen Christian Centuries*, &c.

'criminals in accordance with the dictates of Christianity is 'the only sound policy; and that to confine their views to 'punishments and "deterrents," is merely to "bray the fool in '"the mortar." Our view is the one taught and favoured by 'God Himself. We may be confident even though we go to our 'graves leaving things much as they are now, that our principles 'will be acknowledged, and adopted.'

'The author's ideas about reformation in this world,' says Miss 'Frances Power Cobbe, 'so exactly tally with what "intuitive '"ethics" seem to me to point out as the Divine principle which 'must be carried out hereafter, that I value them almost as much 'on that account as for their intrinsic importance. And just as 'the certainty that he would be caught and punished, and 'never let loose till thoroughly reformed, would be the greatest 'of all deterrents to the criminal here, so I believe that to preach 'to people that a similar certainty awaits them hereafter, would 'affect them far more than the alternative of conversion or 'eternal perdition which has been in use so long.'

One more testimony to the spirit of true religion which critics of very different religious convictions recognised in the book, came in a suggestion of the use to which it might be put; a use which certainly had never occurred to its author.

From the Rev. John Penrose.[1]

'LANGTON NEAR WRAGBY, *Aug. 26th*, 1857.

'. . . I am writing to you now only because I am not able 'to rest since I have read your book without thanking you for 'it over again. One of our neighbouring magistrates dined here 'a day or two after it reached me. He carried it off with him,

[1] When Mr. Hill joined the Midland Circuit his acquaintance had been sought by Mr. Penrose, then incumbent of Bracebridge near Lincoln. Mrs. Penrose (known under the *nom de plume* of Mrs. Markham, as a delightful writer for children) was a niece of Major Cartwright, and both husband and wife made their house a home to the Major's counsel whenever the Circuit brought him to their neighbourhood.

In a letter to Mr. Hill dated a few weeks before that quoted in the text, Mr. Penrose says—'You are now one of my oldest as you have always been one of my 'best friends, and we cling, as we grow old, with more and more affectionateness 'every year to those who are left to us.'

'and kept it a long time. I believe that it has helped much to 'ripen his own convictions. But certainly *I* have never read 'anything which has had so powerful an effect on mine; nor 'anything which more confirms and illustrates (very much by 'the valuable exemplifications from fact which you bring 'forward), the greatest and most absorbing of all the principles 'of all religion—that *love* is the fulfilling of the law. . . . I 'most truly think that this book would be a better preparation 'for Orders for most persons than they commonly get. And 'yet I will find one fault—if fault it is to be called. I do not 'think that you are right in your literal acceptation of the mean-'ing of the text which you quote in page 251. I do not think 'that St. Paul is here speaking of himself personally; but of a 'personification which he is making of a corrupt form of what 'is sometimes called "the natural man."[1]

'Always your most truly faithful,

'J. PENROSE.'

When treating in these pages of reformatory discipline it has been necessary frequently to quote *Repression of Crime*. It remains therefore to indicate only those of its topics which have not already been touched upon, but which are also, of course, ancillary to the purport of the work.

Of these must first be mentioned a history of the venerable institution of the Grand Jury, together with an exposition of its functions in early times, and the author's view of what these have become under the changed circumstances of the present day; since in them he found his justification for addressing the Grand Juries of Birmingham upon contemporaneous topics of public interest. He briefly explained himself to this effect in

[1] The passage referred to occurs in Mr. Hill's Charge delivered in October 1853, which describes the criminal under a wise discipline, gradually working his way out of prison. But such progress will not be unbroken by relapses. 'These 'failures however—when failures occur—spring from that incapacity for making 'our actions conform to our sense of duty, which every man among us who faith-'fully searches his own heart, must feel is more or less the common lot of 'humanity. "The good that I would, I do not, but the evil which I would '"not, that I do." Such is the confession of the great Apostle of the Gentiles, 'and when *he* was conscious of this infirmity, who of us an claim exemption, 'and hope to be believed?'

his opening Charge; while that of April 1855, extremely interesting both for historical information and original thought, is occupied with this subject alone.

That the grand jury was effete and should be swept away was an opinion held by many, while there were others who clung to the institution with conservative affection, unwilling to accept even such changes as might bring it into harmony with the spirit and needs of the time. To a correspondent at this period Mr. Hill writes:—'That with inferior powers of 'inquiry (they examine only the witnesses for the prosecution— 'witnesses speaking without the check of publicity or fear of 'cross-examination), grand juries should be called upon to revise 'the result of a public trial, is to the last degree absurd; and 'the working of the institution is practically mischievous. 'Acting without an adviser, unpractised in examining witnesses, 'they often throw out bills which there is no pretence for 'ignoring. Often again, they are deceived by false evidence— 'the safest way of bribing a witness being, for obvious reasons, 'to purchase his testimony before the grand jury.

'But would I abolish grand juries? By no means; I want 'their attendance for popular sanction. I want them as an 'organ, by which the official part of the Court may venti- 'late opinions desirable to be known and canvassed by the 'non-official part, and through them, and the reports in the 'newspapers, diffused among the mass of society. Finally, I 'want them to bring fresh minds to the consideration of local 'matters which the principle of routine has not vitality enough 'to redress.' He goes on to give a striking instance in illustration of this suggestion. It also shows the immediate effect which had been produced by his severe strictures in Court upon the disgraceful circumstances brought to light in the course of a trial before him. 'There was [at Birmingham] for years, a vile 'debtors' prison, more like one of those of which Howard com- 'plained than one of modern times. It so happened that a riot 'broke out among the prisoners, and the turnkey had the perilous 'duty of going down among them to restore peace. He was 'assaulted, complained, and the case came before me at Sessions. 'Nothing could be more revolting than the state of the prison

'and its discipline, as disclosed by the evidence. This was on a 'Saturday night. On the Monday morning following I went 'to the prison early to examine for myself, and found workmen 'already assembled. The commissioners of the Small Debts 'Court immediately expended £500 to put the prison into 'decent order, and a complete revolution was effected in the 'whole establishment. I, of course, proceeded to examine the 'Blue Books and found, as might be expected, that the state of 'the prison, moral and physical, had been the subject of severe 'animadversion by the Inspectors. They had reported, their 'reports had been printed, laid on the table of both Houses 'and then—placed quietly on the shelf.[1] Now I cannot but 'think that grand juries meeting from time to time, with their 'minds free from the drudgery of badly repeating what had been 'well done before [*i.e.*, conducting the inquiry preliminary to pre-'senting an indictment], would have caught at this monstrous 'nuisance and prevented it. So again the case of a knacker's 'yard came before me the other day which had been destroying 'life and health by wholesale for a series of years, the inhabi-'tants complaining to the various local authorities, but with no 'results, until even these long suffering authorities found their 'patience exhausted.

'The employment of the fresh or non-official mind whose 'interest in improvement is not palled by use or fatigue, is 'a most important coadjutor, and must not be cast off. The 'substitution of official for unofficial labourers is often im-

[1] A case curiously parallel occurred some years afterwards, equally illustrative of Mr. Hill's intolerance of an abuse which any exertion of his could remove. An ancient "Franchise Gaol" in which debtors were imprisoned at Swansea, and like that at Birmingham, not under the jurisdiction of the local authorities, had fallen into a state unfit for human habitation. The Prison Inspector reported severely upon its condition in 1853. An effort had in consequence been made by the Town Council of Swansea to remedy the evil, but it failed of success. Although the Inspector continued his condemnatory reports to the Home Secretary, nothing more was done until, in 1858, the existence of the gaol and its disgraceful state came incidentally to Mr. Hill's knowledge in the discharge of his duties as Commissioner in Bankruptcy. He immediately investigated the circumstances, and brought them under the notice of the public, his efforts being supported by those of Mr. Falconer, Judge of the County Court of Swansea. The ultimate result was a Bill which, brought into Parliament in the same year, quickly became law, and abolished all the Franchise Gaols in the country.

'peratively called for in each particular instance. But it is 'working a gradual change which will require that we should 'be chary of the non-official principle, and find it a legitimate 'field of action.'

Lord Wensleydale, while accepting the exposition of the functions of grand juries in Mr. Hill's Charge as correct, expresses himself still their admirer in their ancient form.

To Lord Wensleydale.

'HEATH HOUSE, *March 6th*, 1859.

'I cannot yield even to you in my veneration for the institu-'tion of the Grand Jury. Yet I must think that employing it to 'prosecute a preliminary inquiry in secret, which has already 'been made in open court where both sides have been heard, is 'a repetition, or rather a garbled repetition, inconsistent with its 'dignity, and which is rapidly alienating the public mind from 'its ancient attachment to that course of proceeding; insomuch 'that I tremble lest Parliament should *in furore* sweep it away 'altogether. It has long been a subject of deep concern with me 'that constitutional checks and safeguards should be considered 'as of no value because they are not brought into frequent action. 'I quite agree with you that impediments to the right of prose-'cution ought not to be created on light grounds; but I hope 'you will think my proposal provides sufficiently against a 'corrupt or even an ill-considered refusal of a magistrate to 'commit for trial.[1] Doubtless it does not, as it stands in 'my Charge, provide against putting the accused on his trial 'when he may have been corruptly, or hastily committed; but 'unless (which is impossible) the Grand Jury could be impan-'nelled immediately on the commitment of every prisoner, I see 'but little value in the remedy. I should be willing, however, 'to make an exception in cases of treason, sedition, or seditious 'libel; nor would the Crown, I think, be prejudiced by such an

[1] The proposal is that in case of such refusal the complainant shall still have power to prefer his complaint before a Grand Jury, but that their proceedings shall be assimilated to those in a police-court. 'Let the investigation be public; 'let the accused have the benefit of legal assistance, and let him have the right 'of adducing evidence in his defence.'—*Repression of Crime*, p. 445.

'exception. Political cases are never wisely prosecuted unless 'where there is a general opinion unfavourable to the acts with 'which the defendants stand charged; and in such cases the 'findings of the Grand Juries furnish a sanction to the course 'taken by the executive Government.

'M. D. HILL.'

That means for the prevention of crime apart from the leading agencies of religion and education are an important element in diminishing its amount, is a truism; but one so little acted upon that the Recorder of Birmingham found ample occasion to dwell upon it again and again in his Charges. For instance, embezzlement is a crime to which the circumstances of trade in towns like Birmingham offer more than average temptation. In the offences of the prisoners to be tried before the Recorder in October 1845, it bore a large proportion; and his Charge contains well-considered suggestions for gradually accustoming *employés* to the care of their employers' money, and for testing their trustworthiness.

In the sympathy of masters with their work-people of all descriptions lay, as he believed, a powerful check to many forms of crime; and in the same Charge he described the wholesome influence thus exercised by several manufacturing concerns in and near his native town. Passing to a far more extensive though frequently humbler class of employers, he remarks that every reader of his book probably is or will become the master or mistress of domestic servants; and he points out that the effect for good or for evil of their mutual relation, depends mainly upon those who form the governing powers of the household.

But the individual action which may operate beneficially in each little family-commonwealth, may also be exercised in more or less degree by every member of the community, however lowly. Indeed, the nearer in social position the more potent often, he believed, is the influence exerted. 'It is difficult to 'over-estimate,' he said, 'the amount of good which one poor 'family may effect in its own immediate district by its example 'of honest industry, of the practice of the family virtues at

'home, and by its courtesy, ready sympathy, and helpful disposition towards its neighbours.'

To such influences, together with sedulous care on the part of all, in every station, to avoid affording opportunity to crime, he looked as the means for its repression, more effectual than the most vigilant police, or the severest administration of justice. Upon one incitement to petty acts of pilfering, often the first step in a downward course, he laid stress as especially in the power of the public to prevent, by discountenancing the exposure by an inferior class of shopkeepers, of goods outside their doors, which offer sore temptation to passengers of feeble honesty.

Another way in which the community may achieve much in removing a virulent cause of crime he points out in his Charge for January 1845. Having explained the numerous difficulties which obstruct the police in bringing 'those depraved and 'depraving wretches,' the receivers of stolen goods, to justice, he shows that their opportunities for working evil would be greatly circumscribed, if not altogether destroyed, were every proprietor to eject such tenants from his house. Without a fixed abode the 'receiver-capitalist' could not carry on his nefarious traffic, and without the receiver-capitalist, the thief—'would resemble a merchant in the desert, who could not ex-'change his goods for the necessaries of life.' Emphasizing the social duty involved in such ejection, he continued—'I hope, 'Gentlemen, if you and I were the proprietors of tenements 'notoriously harbouring receivers of stolen goods, and enabling 'them to carry on their unlawful traffic, we should feel that in 'accepting our rent, we to some extent became partners in their 'iniquity—that in a qualified sense we should stand towards 'them in the relation in which they stand towards the thief—'we should afford them facilities for committing their crimes. 'Happy would it be for this country if such a sentiment could 'find its way to the heart of every landlord!'[1]

This subject was in later years taken up by Mr. Edwin Hill who included in his category of the promoters of crime those who give the thief shelter, and opportunity for organising his depredations, as well as those who afford him a market for his

[1] *Repression of Crime*, pp. 67—8.

booty. But for these two classes of accomplices the predatory crime of modern times, could, he believed, hardly exist. A "Summary" of suggestions for uprooting them from our midst he communicated to his brother, who inserted it in the Sequel to the Charge for March 1854, but, by the author's wish, without his name.[1] Again and again Mr. Edwin Hill drew attention to the subject in letters to the press, and in Papers read before the Law Amendment Society, and the Social Science Association. Some result of his labours may be traced in the special provisions of the Habitual Offenders Act, of 1869, for punishing persons who harbour thieves or are found in possession of stolen goods.[2]

The provision of wholesome recreation for the people is now gaining more and more importance in public estimation. It was a subject of interest to Mr. Hill from his youth, and an article found among his early MSS. shows that he was already alive to its effect in diminishing crime. In this paper, entitled "The Improvement of the Metropolis," after expressing his satisfaction at the growing encouragement given to that object, he says, anticipating by half a century the sentiment now making itself widely felt,—'The most flagrant and public inconvenience 'which is endured by the inhabitants of London appears to me 'to be the want of places for exercise. The west end of the 'town it is true is nobly provided, and the Regent's Park has put 'the north side upon an equal footing; but the City, the Borough 'and the whole of the south side are miserably deficient. More-'over, places of recreation ought to be nigh at hand. It is a long 'and weary journey from the centre to the outskirts of the town, 'and cannot be taken every time a busy man wishes to stretch 'his legs, and breathe a purer air than that of his office or ware-'house. The gardens in the various squares, and those belong-'ing to the Inns of Court, do something towards supplying this 'deficiency, but it must be recollected they are private property, 'and are not open to the class whose accommodation I have, 'at this moment, more particularly under view.'[3] The author

[1] *Repression of Crime*, pp. 327—334.

[2] See also his Paper "Criminal Capitalists;" *Transactions of the International Prison Congress.* Longmans, 1872.

[3] The Commons Preservation Society, which deserves all sympathy and support, does not limit its efforts to the object indicated by its title. To provide Recreation-

then points out the influence that good play-grounds for the children of the working-classes, would exercise in repressing crime. The money would be wisely laid out—'for what,' he 'asks, is more expensive to maintain than a thief?' Writing in 1856 to Lord Brougham, he remarks:—'The subject of Re-'creation for your Social Science Address has, I dare say, not 'escaped you. I grieve at the failure of the "Play-ground '"Society."... The Volunteer Movement will do much to promote 'out-of-door exercises. It is most important that it should reach 'the working-classes on all accounts, but I am opposed myself 'to distinct corps for labouring-men. On the contrary, I think 'military discipline gives opportunity for augmenting the regu-'lated intercourse of all classes—non-regulated intercourse being 'inimical, I fear, to the promotion of friendly feelings between 'classes distinct in habits and manners. . . The Rev. Erskine 'Clarke, incumbent of St. Michael's, Derby [now Vicar of Batter-'sea], is doing much for recreation. He has published some 'useful little tracts containing the result of his experience and 'experiments. I believe I asked him in the spring to send you 'a set of them.'

In *Repression of Crime*, Mr. Hill demands for wholesome recreation equality in importance with food, clothing, rest and instruction. 'We want,' he says, 'the poor man's *Book of* '*Sports*. Who will write it?' He suggests an entertainment similar to what has since become extremely popular under the title of Penny Readings, and recommends such concerts as those which had already been commenced in Birmingham Town Hall, and which now make classic music common in many places. Denouncing the Penny Gaffs (the most vicious form of theatre, and chiefly resorted to by the young) he yet recognises the passion for the drama inherent in human nature, and remarks:—'I doubt whether a philanthropist could be better employed 'than by furnishing dramatic entertainments of a suitable kind 'to a juvenile audience of the lower classes.' His feeling in regard to theatres he thus expressed to a correspondent who

gardens and Play-grounds in the more densely populated districts of the metropolis is also its aim. *Report of Proceedings*, 1870-76. 1, Great College Street, Westminster.

strongly disapproved of them. 'While of opinion that there 'is much to reform even in the best, I am deeply impressed with 'the belief that those whom you call "most good men" fell into 'a most pernicious error when they denounced dramatic repre-'sentations in the gross. I am convinced that if they would 'countenance pure, or purified, dramatic works by their presence, 'and by that same presence put a check upon all which belongs 'to license, they would turn a power from evil to good which in 'its force is exceeded by none, and rivalled by few indeed.' To prove the demoralising effect of leaving the supply in the hands of those who seek only their own profit, he quotes *Liverpool Life: its Pleasures, Practices, and Pastimes:* a book revealing horrors equal to those which Mayhew had already described in his *London Labour and London Poor.*

Although the proposition that disease is a cause of poverty, and therefore of material loss to the community, must long have been discovered, it was until late years comparatively overlooked for all practical purposes; while the bearing of disease upon crime has only still more recently been generally recognised. The Charge of March 1854 treats of the removal of disease as a means of diminishing crime, and combined with its Sequel presents an array of evidence collected from a great variety of sources. Much is derived from Dr. Southwood Smith, one of the earliest sanitary reformers. A record of a conversation with him [*Repression of Crime*, p. 311], in which he describes the ameliorative effect among the poor of improved dwellings, has a double interest—the one prophetic. Dr. Smith's words epitomise the results which now flow from the labours of his distinguished granddaughter, Miss Octavia Hill.[1]

Memorials to the Home Office praying for remission of sentence in behalf of persons convicted before the Recorder of Birmingham, were as common incidents in his experience as in that of criminal judges generally, and were a grievous addition to the labours of his office. If the latter remark should be held to imply that he shrank from any toil which could clear the convict from unjustly imputed guilt, his biographers have indeed failed in their attempt to pourtray his character. Cir-

[1] Mr. Hill regretted his inability to trace a relationship to this lady.

cumstances coming to light after the trial might afford ground for doubt as to the correctness of the verdict and justice of the sentence; in such cases he esteemed no pains too great to redress the wrong done.[1] But usually no reason whatever for the memorial existed; while also, as a rule, this fact was patent on the very face of the case, or might easily have been ascertained by the persons invited to sign the petition. By appending their signatures they became almost invariably participators

[1] One of his daughters met unexpectedly with a gratifying recognition of such pains. When going over one of the English Convict Gaols for women she had occasion to mention her father's name to her companion, the Lady Superintendent. The latter exclaimed—'I am glad to have an opportunity of expressing my deep 'sense of Mr. Hill's kindness and love of justice. I shall never forget how, 'when he found that a class of sentences he had passed would not be abridged as 'he expected, he did not rest till he had got every one altered. We had many 'women he had so sentenced here; and I always explained what he had done for 'them, and told them they ought never to come back to prison when he had 'taken so much trouble for them. And none of them ever have returned, but one. 'I was so vexed when I saw her—it was so wrong after all Recorder Hill's 'kindness!'

The cases mentioned by the Lady Superintendent were some of a hundred and fifty-nine men and women sentenced by him to penal servitude soon after the passing of the Act which substituted this punishment for transportation. As the reader is aware (*ante*, p. 180) the principle of remitting a portion of the sentence as a reward for good conduct which had had effect in transportation, was recognised by the Legislature in the new form of punishment. Interpreting the Act in the light of that recognition, Mr. Hill inflicted sentences of sufficient length to give ample opportunity to the prisoner for earning a discharge before the expiration of the term—and consequently a much longer sentence than, without such opportunity he would have inflicted. The Home Office put a contrary interpretation upon the Act. But it was not the practice of that Department to issue to the Judges who executed the criminal law the regulations it laid down for its administration, and although Mr. Hill in official correspondence had more than once brought before it the course he was pursuing in reference to the new Act, he was left in ignorance of the discrepancy between his interpretation, and that of the Secretary of State, until he learnt it, by chance, from a letter in the *Times* from the Chairman of Convict Prisons. He applied to the Home Office to be informed if the statement in the letter were correct, and to his dismay learnt that it was. The sentences he had passed were therefore unjustly severe. The only course open to him was to apply for the mitigation of every one. He did so, and it was granted; but the alteration was not effected without great anxiety and toil on his part. Mr. Hill had occasion to refer to these circumstances in his Evidence before the Transportation Committee of 1856. The Appendix to the Second Report contains his correspondence with the Home Office, in which he sustains the correctness of his interpretation of the Act. An amending Act passed later in the same year enforced a similar interpretation.

in a fraudulent document, consisting of a tissue of lies involving the slander of innocent persons (prosecutors, witnesses, &c., charged with making false statements), and got up with the object of procuring a miscarriage of justice.

The Charge of April 1850 brings this gross evil for a second time before the Grand Jury, and gives in illustration the particulars of a memorial recently forwarded (in pursuance of the usual course) to the Recorder from the Home Office, for investigation. It was supported by several signatures, among which were those of inhabitants of Birmingham, standing high in character, who affirmed that 'they had known the prisoner for a 'number of years, and had always found her strictly honest and 'well-conducted.' Nevertheless every statement the memorial contained proved to be false; and it was ascertained that of the subscribers of acknowledged respectability, only one had ever seen the woman, and that was when she was in gaol! Similar instances of a flagrant betrayal of duty towards the public are cited in the Sequel to this Charge; and the widespread mischief such memorials are calculated to effect was repeatedly dwelt upon by Mr. Hill.

But the establishment of a proper tribunal of appeal against sentences the justice of which there is reason to impugn, was equally a subject of earnest consideration with him. That the Home Office should be thrown into a state of siege to procure a commutation of the capital sentence, whenever a trial for murder obtains the degree of notoriety required to excite public feeling, he held to be a monstrous abuse, teeming with evil consequences. And he deemed it no less an abuse that the responsibility of deciding for or against the execution of a decree which has been arrived at by Judge and Jury in open Court, should be thrust upon the Home Secretary in his cabinet. Arrival at the truth under such circumstances, whether the inquiry concern life and death or the lesser question of imprisonment, he regarded as a mere matter of hazard. If this be so, no reliance can be placed on the justice of the final issue; the wrongly convicted may fail to obtain a reversal of the verdict, and the great object of all criminal jurisprudence, security for the innocent, falls to the ground.

In his Paper on Life-sentences (*ante*, p. 212), Mr. Hill briefly indicates the course which might be pursued when it is necessary to reconsider such sentences. The same method he thought might be found more or less applicable in entertaining appeals against convictions and sentences generally. His proposal may have sprung from a previous correspondence with Lord Brougham on the subject. Writing to him on the question of a Court of Criminal Appeal, Mr. Hill says—'Your suggestions for a Court 'of Review are most important, both as regards what is to be 'done, and what is to be avoided. I cannot but think that the 'Judicial Committee of the Privy Council is the right tribunal 'to advise the Crown. Suppose memorials were sent to them 'by the Secretary of State for the Home Department, together 'with the report of the Judge when the question (either as to 'doubts on the verdict or on the excess of punishment), turned 'upon what was done at the trial. . . . No doubt the tribunal 'would require some members or, if not members, officers of 'the Court, in the nature of Judge-reporters (as exemplified in 'French jurisprudence) to stop frivolous applications *in limine*; 'and, if the appeal were given as a right, perhaps the power of 'increasing the punishment as in France, might be advisable. 'I should, however, begin by putting it on the footing of grace 'and favour. Nor would I in the first instance admit counsel, 'unless assigned by the Committee. It is obvious that if there 'were a Minister of Justice, the references should come through 'him, as his subordinates would do the sifting work very 'naturally.'

At his October Sessions of 1859, the Recorder was able to congratulate the Grand Jury on the lightness of the Calendar. Unfortunately the apparent decrease in the number of offenders which had taken place in various localities, was by no means proof of a genuine diminution in crime. A certain degree of prosperity which then prevailed throughout the country might indeed have had some share in producing the decrease, and so might the partial abandonment of short terms of imprisonment. But another factor had to be taken into the calculation. This was the reduction in the scale of fees to prosecutors and witnesses, made in February of the preceding year. The allowances for expenses in

attending at the trial had been cut down to so inadequate a sum that attendance was evaded, and prisoners escaped conviction. This crying evil was frequently urged upon public attention by Mr. Hill, and, in his correspondence, brought under the notice of friends whose position might enable them to help in redressing it. 'Within a month or two of the new scale coming into operation,' he wrote (in 1860) to the late Mr. Rathbone, 'the complaints were so 'numerous that a Royal Commission was appointed to revise the 'allowances. I was told by one of the Commissioners (Sir William 'Miles) that they felt the evils, existing and prospective, to be so 'great that, although their room was over the Thames when at 'its worst in July 1858, they determined to prepare a new scale 'in time for the then approaching Assizes. This they did; and 'from that time to the present, two years, nothing has been 'done! Yet the scale of the Commissioners is very moderate— 'too much so, indeed, fully to remedy the injustice of that adopted 'by the Treasury.' Twenty years have now elapsed, and still no alteration has been made, although the rise in the general cost of living, and in wages, would of itself have justified an augmentation of the fees; and this cause of a miscarriage of justice remains in daily operation at the present time.

The importance for various reasons, of the character of the labour performed in prisons, is dealt with in *Repression of Crime*. The first consideration is that it should promote the prisoner's reformation. To this end it must vary in laboriousness and interest, at different stages of his progress. In the very lowest it may be expedient, at first, to impose unproductive labour, that the prisoner may learn to desire (as he soon does) that which is profitable, and so exert himself to earn the privilege of engaging in it. But with this exception, his employment must be intrinsically useful. Useless labour is degrading, and therefore antagonistic to reformation. The second object in view in a choice of prison-labour is that it shall fit the prisoner to earn an honest living when he returns to the world. To secure this it must not only be useful, it must be remunerative; and moreover it must be attractive enough to be preferred to dishonest means of livelihood.

A further consideration, subordinate only to the prisoner's

restoration to the ranks of "true men," is the reduction by his labour to the lowest attainable point compatible with his reformation, of his cost to the community. That he should, if possible, not only reduce that cost to *nil*, but, by the sweat of his brow, should accumulate a sum wherewith to repay the expense of his prosecution, and to compensate the person he has robbed or otherwise injured, is an equally legitimate aim. This likewise demands that he shall be employed in profitable work.

The fallacy, even at the present time not entirely got rid of, that thus to employ him is an unjust interference with the labour-market, Mr. Hill frequently exposed. In his Charge of October 1848, he asks—'On whom does the support of prisoners fall but on 'the contributors to the taxes? Can it be advantageous to them to 'defray an expense of which the whole or a part can be saved? 'Again, if it be advantageous to the community to maintain 'any class at the public expense, what is to limit that class to 'prisoners? What *is* there in the fact of a consumer being a 'criminal and in confinement, which makes it desirable that he 'should cease to produce? If it be desirable for the public good 'to withdraw some portion of the community from competition 'with the rest in the struggle for the means of subsistence, why 'not select this favoured body according to merit? Such relief 'from the duty of self-maintenance savours rather of reward than 'of punishment. Probably the error may arise from the inaccurate 'use of language. The labour of prisoners, it is said, interferes 'with honest industry—as if it were labour itself, and not the '*gains* of labour, which is the object of desire. Now, to keep any 'in idleness, is to make it necessary that all who work should 'submit to some subtraction from their gains, in the shape of 'taxation, for the purpose of feeding the idlers. But is the 'honest labourer benefited by performing his task unaided, and 'then dividing his earnings with another?'

To state the proposition differently:—A, the convict within the prison, must have food, clothes, and lodging. B, the honest workman outside the prison, must also have food, clothes, and lodging; and must earn them by his labour. Is it most advantageous for B to have to earn these for A too, or for A to earn them for himself?

It is not, however, to be expected that the ordinary labourer shall understand a principle of political economy which some educated men still fail to comprehend. Hence the claim put forward from time to time by members of the working class, and supported by those from whom sounder views might have been looked for, that prisoners shall be prohibited from contributing to their own support. The claimants narrow their view to the effect produced upon local markets by the sale of articles manufactured in a neighbouring gaol. Doubtless a glut might thus arise causing hardship to persons producing the same articles at the same place, similar to that caused by the opening of a large tailoring concern, able by its command of capital to turn out its goods more cheaply than the small master, in a town which till then had been supplied by the latter class; and analogous to the superseding of mail-coaches by the railway system. It is in fact an instance of the suffering which falls upon the individual while the community is benefited; and in such cases it is reasonable that pains should be taken to make that suffering as small as possible. This may be effected as regards the product of prison labour by the authorities—supposing they have come into the field after the local manufacturers—sending their goods for sale to a district not already supplied.

But it must meanwhile be remembered that the individual is also a fraction of the community; and though a few may suffer in the former capacity, all benefit in the latter, by every penny the prisoner contributes towards his own maintenance. The rest of his cost must be defrayed out of the tax-payer's pocket, and the less the prisoner earns the deeper into that pocket must the collector's hand be thrust.[1]

[1] The futility of arguments against prisoners engaging in remunerative occupations was shown by Mr. Frederic Hill early in his Inspectorship of Prisons for Scotland. He concludes his observations on this question in his Report for 1837, with the following *reductio ad absurdum*:—'Before quitting this subject I would 'just remind the objectors to prison labour of one great fault which is constantly 'found with criminals, and one chief cause that is pointed out to them of their 'bad courses—I mean *idleness*. But if, by engaging in labour, they would have 'displaced other workers, why regret that they should have been unemployed? 'And why upbraid them with their laziness? If their labour in prison will be 'mischievous, their labour out of prison must have been equally so. And it 'appears to me, that the objectors in question are bound to admire these persons

The grievance of competition by prisoners is aggravated in the eyes of those who oppose it, by the fact that the price of articles made in gaols is frequently below that demanded for those produced outside. This is ascribed by the malcontents to wilful under-selling on the part of prison managers. It really results, as Mr. Hill has shown, from the inferior quality, as a rule, of prison work, caused by those who produce it being more or less tyros, unable to cope in skill with the trained artizan outside. Doubtless the authorities try to obtain as high a price as they can for their commodities; otherwise the rate-payers and the Consolidated Fund, which together bear the cost of the prisoner's maintenance, are dishonestly treated. But—

> "The real worth of anything
> Is just as much as it will bring;"

and the authorities have to be satisfied with what they can get, an amount seldom if ever equal to the market price commanded by skilled labour. The question still resolves itself into this —Shall prisoners do nothing to support themselves? The price at present received for their work diminishes *pro tanto* the heavy cost to the public of their maintenance. Surely the public is to be thought of first, and then the interest of this or that class. If the prisoners had been honest men they would have been competitors with working people outside. Why, then, should the public prevent them from aiding to perform the duty of self-support because they are in gaol?

as martyrs to the public good, and as willing and necessary sacrifices on the altar 'of indolence.'—*Hill on Crime*. Murray: 1853. P. 234.

CHAPTER XVIII.

Novel-writers and the *Edinburgh Review*—Visit to Ireland—Spike Island—*Quarterly Review*—Life of Major Cartwright—"Vestigia nulla retrorsum"—Conspiracy to Murder Bill—Visit to Spain and Portugal—Revisits Mettray—Bruchsal and the Rauhe Haus—Obermaier and Mittermaier—Criminals in Germany—Baroness Tautphœus—Beer in Bavaria—*Blackwood* on Popular Literature—"Systems" of Literature—Drummond and the Boy Artist—Standard of Writing—England and the *Revue des Deux Mondes*—Method of English Progress—Advice to a French Critic—Comparison of England and other Countries—*Popular History of England*—Letter to Knight—English Humourists.

'HAVE you read an interesting and well-timed article in 'the *Edinburgh Review* on the evils of Novel-writers' lies?' Lord Brougham asks. 'I want to know what you say to the 'statement as to the Birmingham Gaol, &c. This influence of 'romance-writers is getting to be a crying evil—for nothing 'else is now-a-day read but novels. I fear we of the Useful 'Knowledge Society are a little to blame because we made 'science entertaining, and so tended to spoil people's appetite. 'But really now it is past endurance!'

To Lord Brougham.

'HEATH HOUSE, *Aug.* 14*th*, 1857.

'Our consciences may be quite easy. We did not tempt 'readers to desert good hard reading for bad easy reading. Our 'books were better than those which they displaced, and induced 'many to read who never read before, and never would have 'read the old books which were both bad and dear. . . . . Nor 'do I think the taste for frivolous reading has increased *pro-'portionally*. But this is too large a subject for a letter.

'The *Edinburgh Review* has attacked a real evil, but surely 'not a new one. The disposition to make fiction a vehicle of 'attack on individuals always existed, and according to my 'experience has diminished rather than increased. With regard 'to Reade's book about the Birmingham prison [*Never too late 'to Mend*], I have not compared the charges he makes with the 'evidence before the Commissioners, so as to check the statements 'in the *Review*, but I am pretty fully acquainted with the case, 'and I believe the reviewer to be right. That Reade has cruelly 'distorted and exaggerated, is undeniable.

'Dickens is open to censure for rarely, if ever, introducing a 'member of the upper classes into his works except to hold him 'up to reproach or contempt; but to inveigh against him for 'his attack on what he calls the "Circumlocution Office" is 'childish. He may have exaggerated; but exaggeration directed 'against an institution, and exaggeration against an individual, are 'very different things. All satire teems with exaggeration, and 'ever has done. Institutions and large bodies can bear it, but 'individuals cannot. Certainly the reviewer made a bad cast 'when he hauled up Rowland Hill as an instance of the readi- 'ness of Governments to encourage improvements, as none know 'better than yourself who were always his prompt and most 'powerful advocate. Indeed if Dickens had known the facts he 'might have made more of the Circumlocution Office.

'I am suffering under great debility, and I am going to try a 'journey to Ireland. At Cork, Lusk, and Dublin, I shall see 'Crofton's prisons. I shall set out on Tuesday with my 'two eldest daughters, sail from Milford to Cork, go thence to 'Killarney, and so to Dublin.

'M. D. HILL.'

The travellers spent a day at Cork in visiting the convict depôts on Spike Island, where the second stage of the "pro- "gressive" system is passed, and Mr. Hill was greatly pleased with what he saw there. They were conveyed from point to point in the gaol-boat, manned by prisoners. Admission to the crew is one of the highest steps attainable at Spike Island. The oarsmen—proud of their position—made their craft fly

through the water, and, as their officer remarked with just exultation, were able to beat all the men-of-war's boats in the harbour. At Dublin Mr. Hill pursued his examination of the convict gaols. The result was as satisfactory as it had been at Cork. He attended also the meetings of the British Association. Archbishop Whately presided over the Economic Section, where reformatory discipline was discussed. Mr. Hill was one of its vice-presidents. The warm appreciation which everywhere met him, the genial humour, and frank courtesy of the people of every rank, above all the brilliant success of reformatory principles, made his first visit to Ireland a bright epoch in his life. 'The success of Crofton's experiment,' he wrote to Mrs. Clark, 'is a most important event. He calls it "my work," by which 'he means, or ought to mean only, that he learnt the principles on 'which it has been conducted through me. You will see that my 'present Paper (see *ante*, p. 199), is to a great extent, proof of 'the soundness of all the speculations which I have adopted 'and advocated.'

To Mr. Elwin.

'HEATH HOUSE, *Dec. 20th*, 1857.

'The article on "George Stephenson" brought back the 'names of a crowd of persons whom I knew and have often 'met with in the struggle of Parliamentary contests, and in more 'peaceful intercourse. It is a most admirable *précis* of the whole 'subject of railways. If, however, I may make one objection 'in qualification of what would have been unlimited praise, I 'may say that the writer fails to apply the lash as deserved 'to the landed interest of the country. In particular, the con-'duct of the Lancashire magnates in the obstructions—selfish 'obstructions altogether—which they threw in the way of a 'line from Liverpool to Manchester, essential as it was to the 'prosperity, if not to the commercial existence of those two 'towns, would, I should have said, have merited the severest 'censures that could be uttered; if they (I mean the wrong-'doers) had not out-done their own sordid acts of attempted 'frustration by uniting the moment the experiment became

'successful, to destroy the profits of the enterprise by con-
'structing a rival line! Smiles tells the story frankly, and truly,
'according to my recollection of the occurrences as they took
'place.

'But it was not of this article I intended to speak when I
'began my letter. It was of that on "Cornwall." The concluding
'observations, on Crime, struck a spark of knowledge out of this
'difficult subject which I hope will not die away. It will re-
'quire much thought and extensive observation to develope
'your contributor's hint, but I am very much inclined to believe
'it may be found to hold true that any period of great mental
'activity in a nation will be prolific of crime. The Greeks were
'sad knaves, that is to say there were sad knaves among them;
'and so, God knows, there are in England at the present day of
'free-trade and swift intercommunication, stimulating mental
'activity into rapid, perhaps morbid action. The knavery of
'the Italian republics was enormous—hidden from us however
'to some extent by their astounding ruffianism. Macchiavelli,
'Guicciardini, and a host of other writers, show how deeply
'the depravity of actual life had corroded all moral principles.
'The theory of the Italians was worthy of their practice, and
'their practice of their theory. Yet what marvels of intellect
'they were—intellect in all its branches!

'M. D. HILL.'

To Miss Cartwright.

'HEATH HOUSE, *Jan. 17th*, 1858.

'It is the lot of almost every promoter of a great good which
'he does not live to see accomplished that his memory passes
'away from the minds of the multitude, and only survives among
'those who study the question historically. When the history of
'Parliamentary Reform shall be written by a pen worthy of the
'task, your book [the *Life* of her uncle] will be at hand to prove
'conclusively the claims of Major Cartwright to a high place
'among those whom Clarkson in his *History of the Abolition of*
'*the Slave Trade*, calls "forerunners," as applied to the great
'achievement which he commemorates. Cartwright, indeed, was

'a great forerunner. His merits may be forgotten at public 'meetings—whose eyes are fixed on the future to the neglect of 'the past, or on the actor at the moment of triumph, rather than 'on him whose long, arduous, and persecuted labours led to the 'triumph, and made it possible. . . .

'M. D. HILL.'

The following letter, written when the agitation was beginning which led to the Reform Bill of 1867, states a fact, and contains suggestions of deep significance in regard to the extension of the suffrage—a significance which the march of events at home and abroad makes more apparent every year.

To Frederic Hill.

'HEATH HOUSE, *Jan. 24th*, 1858.

'I am very much obliged to you for the *Globe* containing your 'letter, which I think excellent. One argument may, if you 'write again, be urged with truth, and I should hope with effect. 'No advance on the road to Democracy admits of retrogression. 'The wheel has a ratchet behind it, and will only move one way. 'It therefore behoves us to proceed step by step, assuring our- 'selves of the safety of each, before making another.

'I should like to see what is called "permissive legislation" 'applied to the ballot. Let any constituency by a vote taken at 'a time when no election was proximate, determine whether or 'not they would have ballot, or open voting. I should like to 'see also the educational test applied. Not as a substitute for 'any existing franchise, but in addition to it. These changes 'with some rectification of the constituencies (not very large 'or very complete) would be enough for the next ten years.

'It is quite marvellous how many of the Reformers of '32 'are indisposed for any change. Not that they think the present 'scheme of representation particularly good, but because they 'have no confidence that a change will be an improvement. 'Municipal elections, which proceed upon a wider basis of 'franchise have disappointed us, and taught, or seemed to teach, 'us not to hope much from appealing to the large masses below.

'M. D. HILL.'

The attempt by Orsini in this month to assassinate the Emperor and Empress of the French had led to complaints in the *Moniteur* that political refugees too easily found a shelter in this country, and made use of our indiscreet hospitality to concoct plans against their own governments. When the "Conspiracy "to Murder" Bill, which resulted from the remonstrances of our neighbours, was thrown out, and the Cabinet in consequence resigned, Mr. Hill wrote to Lord Brougham:—'I am *with* the 'Government in their change of the law of "Conspiracy to '"Murder." It is not decent that such a crime should be 'placed among offences of the slightest class; and although 'I would not take a step to conciliate the French which 'could not be defended on principle, yet I would not suffer the 'just irritation produced in England by the *Moniteur* to have 'the slightest influence upon the change. "This is not the '"right time," say Roebuck and Fox. "And if you concede this '"point" they say, "you will never be able to stop, and must '"yield to Austria and Naples." Whereas it appears to me that the 'only question is—"Can the change be supported on principle?" 'If it can, why are we to remain in the wrong because we are 'asked uncourteously to do right? So long as our laws are 'defective we expose ourselves to a reproachful remonstrance 'now and then. The only reasonable course—if we don't like 'these remonstrances—is to make so much haste in the duty 'of amending our laws, as to cease to furnish our neighbours 'with any just cause of complaint. That being done, they may 'one and all complain, and reproach, and swagger, as long as 'they please. We shall then remain immovable.

'But it ought not to be forgotten that the facility of travelling 'in our days has produced some remarkable results, which, 'though on the whole advantageous, let in their share of evils. 'The nations of Europe are now so much alike in dress and in 'manners, and the acquisition of several languages is so common, 'that it is not easy to keep foreigners out of any country which 'they desire to enter; because, though known to be foreigners, it 'is not easy to say to what nation they belong. Then, again, we 'do not recognise even well-founded suspicion as a ground for 'legal interference with any man's liberty. I am not quite satis-

'fied that in the present state of the world, and with the present 'intermingling of one population with another, we shall remain 'justified in always calling for full proof of a specific offence 'before we interpose. But this is very delicate and difficult 'ground.

'M. D. HILL.'

Early in this spring an alarming failure of health again compelled Mr. Hill to seek its restoration abroad. A warm climate being recommended, he spent some weeks in the south of Spain, and the extreme prostration to which he was reduced showed itself in his lacking courage to extend his journey to Valencia, where the opportunity of witnessing on the spot the results obtained by Montesinos, would have been an irresistible magnet under ordinary circumstances. He was even unequal to the inspection of the convict establishment at Gibraltar; but terrible malpractices among the prisoners being brought under his notice by the head of the Department, he wrote at once to the Government at home concerning them.

Somewhat better in health, he turned northwards in May, halting at Lisbon, chiefly for the sake of visiting Fielding's grave in the beautiful cemetery there; but also to behold at Cintra the scenery familiar to him from the exquisite description of Beckford,[1] and the spot where the Convention was signed which was one of the prominent events of his youth.

As he gained strength, reformatory institutions resumed their attraction. Landing at St. Nazaire, he went to Mettray, and was delighted with Orfrasiêre, a recent offshoot, where the lads, who had earned the privilege, enjoyed greater liberty than was possible at the *Colonie*. Extending his tour to Germany, he made, at Heidelberg, the personal acquaintance of Dr Mittermaier, Professor of criminal law in that University, a staunch supporter of reformatory treatment, but relying far more on the efficacy of long periods of separate confinement than did his English co-workers. At his instance Mr. Hill visited the State prison of the Grand Duchy of Baden, at Bruchsal. Here all prisoners except such as were too feeble, bodily or mentally, to

[1] *Sketches in Spain and Portugal.*

undergo so severe a discipline, were retained for six years in separation. While at Heidelberg a delightful evening was spent with Baron Bunsen and his family, at their pretty villa on the Neckar.

The *Rauhe Haus*, near Hamburg, Mr. Hill had the advantage of inspecting under the guidance of its founder, Dr. Wichern. *Rauhe*, a local pronunciation of the name of a former occupant, had attached itself to a very humble farmhouse, whither in 1833, Wichern brought a few of the waifs and strays of Hamburg, and, accompanied by his mother, dwelt with them as members of the same family. As time went on he added to their numbers, erecting cottages for their reception as additional accommodation was needed. Boys of a higher rank, requiring correctional training, were afterwards admitted, due arrangement being made for the separation of classes, while an appropriate education is given to each. The staff of teachers is very numerous, and Dr. Wichern has for many years received important aid from young men preparing for the Church, who spend a portion of the period of their training at the *Rauhe Haus*. Children of both sexes are received in this celebrated institution, but the boys and girls are placed in separate houses, the girls being of course under the charge of female superintendents. Here Mr. Hill found the family groups much smaller than in any other Reformatory known to him—rarely exceeding twelve members. Thus, while more nearly approaching the conditions of a real family, a freer play is given to the idiosyncracies of each child than is possible when the groups include a larger number. The gradual development, the separate and modest dwellings, and the large proportion of pure and elevated natures brought into contact with those to be reclaimed, are elements essential to the success of a Reformatory. In these respects the *Rauhe Haus* has given a model to the world.

Besides being director of the *Rauhe Haus*, Dr. Wichern was at the head of the Prison Department of Prussia. He, with Dr. Mittermaier, placed great reliance on separation. At Munich, on the contrary, Mr. Hill found that Herr Obermaier utterly disbelieved in its efficacy. He could not, said the latter, ascertain the real character of a prisoner, deprived of the company of his

fellows. Disparaging statements regarding the Munich system had reached Mr. Hill on his way through Germany. Having in his evidence before the House of Commons, and in *Repression of Crime*, expressed an opinion strongly in its favour, he felt it incumbent upon him to examine into the truth of these allegations himself. 'I inspected the prison at Munich,' he wrote to Lord Brougham, 'and I also spent many hours with Governor 'Obermaier, in scrutinizing both his plans and their execution. 'The result at which I arrived was in favour of Obermaier, 'and of the belief that the objections made against his prison 'had little or no foundation.'[1]

The information acquired during this journey he embodied in a Paper *On the Treatment of Criminals in certain States of Germany*. It was read by Lord Brougham at the Social Science Congress in the following October.

After Mr. Hill's return from Germany he wrote to Mr. Grantham Yorke, the friend who had given him an introduction to the authoress of *The Initials*:—'We were most kindly 'received at Munich by Madame Tautphœus, and her Baronial 'husband and son. . . She reminds me very much in manners 'and conversation of her relative Maria Edgeworth—the same 'sub-stratum of good sense, with a pleasant *soupçon* of Irish 'vivacity. My daughter and I were sitting in my room, breathing 'the fresh air after a sultry day, and enjoying that dark twilight, 'which the Scotch call the "gloaming," after our solar tyrant 'had departed for the night, when a German waiter made his 'appearance, with the announcement—"Sir, any people is come '"to see you." "What do you mean?" I asked. "Sir, *some* '"people is come to see you." I desired them to be shown up. 'The whole family came, and we had a pleasant talk in the dark. 'The next evening we spent with them; and then for the first 'time I *saw* the lady.

'The three characteristics of Munich are bad drainage, noble 'works of art, and beer—but beer above all. An Englishman at

[1] Obermaier, who served in the Bavarian contingent which accompanied Napoleon I. in his invasion of Russia, still survives. Age compelled him many years ago to relinquish his post as Governor of the Munich Prison. After his resignation his system of discipline was abandoned. It was regarded as depending too much on his personal influence to succeed under other direction.

'the table d'hôte told me, with an awful air of sententiousness, 'that "the Bavarian rises in the morning a Beer-barrel, and '"goes to bed at night, a Barrel of beer." The quantity they 'drink is perfectly incredible; I therefore do not mention it. 'Beer thrusts itself upon your notice at all times, and in all 'places. Does that smoking chimney belong to a manufactory? '"No, it is a Beer-brewery." "Where is the Paterfamilias this '"evening?"—you might ask the same question as to the 'King. "He has retired to drink bock"—a beer drunk at 'a particular season. In short your Bavarian's great business 'of life is to drink beer, and when that is ended he passes with 'resignation—"from his beer with an e, to his bier with an i."

'M. D. HILL.'

The following are extracts from letters to Lord Brougham which supplied material for his Address on Popular Literature, delivered at the Social Science Congress at Liverpool.

To Lord Brougham.

'*September* 1858.

'There is an insidious article in *Blackwood's Magazine* for this 'month, in which the writer argues that Diffusion Societies, '*Penny Magazines, Penny Cyclopædias*, &c., have all failed, and 'are replaced by inane stories relating to high life. . . . But 'what the aristocratic writer insinuates (always avoiding direct 'statements) is that such proportion is not only actually, but 'inevitably, greater in the lower than in the higher classes; and 'therefore that it is in vain to try to teach them, at all events, 'by book learning. But as your intensely practical man has 'always a pet theory of his own of the very wildest and most 'impracticable nature, so this man intimates that the only 'chance of operating on the mind of the people is to send 'Bards among them to recite their own strains! . . . I think I have 'seen returns from the Public Libraries at Manchester, Liver-'pool, &c., established under Ewart's Acts, which showed an 'increasing tendency towards that reading which exercises the 'mental powers, and presupposes some acquirement. However, 'we are not to undervalue any reading which is harmless. The 'people *must* have relaxation; and we must bear in mind that

'but too many of their relaxations are below zero in the moral 'scale. . . I believe the exclusive love of high life [in novels] im- 'puted to them, is a mere blunder. *Robinson Crusoe, The Pilgrim's* '*Progress*, and *Uncle Tom's Cabin*, the three most popular books 'I know, do not minister to this supposed taste in any degree.

'*Sept. 28th.* . . . The inquiry into our cheap literature 'has brought one fact very prominently before me. This is 'that the literature of our country consists of distinct systems, 'the suns of which dwindle into stars when viewed from the 'other systems; while the planets of each are entirely lost to 'the inhabitants of any system, except that in which their 'orbits are contained. There is the religious literature of the 'country—a group of *nebulæ*. Then there is a professional 'literature—law, medicine, science, &c., &c. Then the cheap 'literature—cheap lay-literature I mean; and in this there 'are many divisions, some in which the publications have a 'special object, as those on Temperance, and others on Prohibi- 'tion of alcoholic liquors. What I mean is that the complete 'separation which now exists between one class of our literature 'and another, makes it very unsafe, without special inquiry, for 'any one to undertake to characterise the publications of the day 'in the manner he might safely have done in the reign—say—of 'Queen Anne. Probably, in those days, every bookish person 'knew something of, if no more than, the title of all books 'published.

'*Oct. 6th.*—Drummond, you know, was Lord Althorp's 'secretary, and the inventor of the light which goes by his 'name. He was at one time engaged on one of your Com- 'missions of Inquiry, probably as to the working of the old Poor 'Law. The scene of his investigation was Manchester. There, he 'told me, he found, among other horrors, a block of dwellings 'containing several thousand human creatures—the lowest of 'the low; in one room he found four families living,—*existing* 'would be a better word—each family the occupant of a corner. 'It was called "the Island." It is now improved by a railway 'passing through it, I believe. One family consisted of an old 'woman and her grandson, a lad of ten or twelve years old. This 'little fellow had an eye for the Arts, and had somehow or other

'possessed himself of the rude engravings sold among the poor, 'some of them not over decent. But the *Penny Magazine* came 'out. The child was struck with the superiority of its wood-'cuts over the works of art with which he was familiar; and, 'forming a partnership with another boy, the firm became 'subscribers for a copy. He set himself to imitate the cuts, 'and obtaining by purchase or manufacture, I know not which, 'some rude body colours, he adorned his imitations by colouring 'them. When Drummond found him, he had obtained in 'exchange for them the sum of twelve shillings. Drummond 'was so struck with the little fellow that he took him to a great 'cotton printer, whose name I have forgotten. This gentleman 'placed the boy in his designer's room, where he was learning 'rapidly to draw, when Drummond told me the anecdote. Soon 'afterwards the latter went to Ireland, and I never saw him 'again; and his death prevented me from ascertaining what 'became of the little artist.

'M. D. HILL.'[1]

Acknowledging a present from Mr. John Cassell (the late well-known publisher) of his educational works, Mr. Hill writes, *Nov. 24th*, 1858:—'You were fully justified in saying that I 'was not aware how much was being done for popular instruc-'tion of a high class. I shall be most curious to learn the sale 'of these excellent books. It will, to my mind, furnish the 'best single test of the genuine desire of the people for true 'knowledge.

'It is of the highest importance to have the judgment on 'each book of a man like yourself, who knows, by actual ex-'perience, what are the stumbling-blocks in the path of self-'education. I have long been of opinion that it is better to 'write a little above the standard of the reader, than below, 'when you address the adult, or even the adolescent. No one 'who is not in earnest about learning will address himself to

[1] It will be remembered that it was a wood-cut in the *Penny Magazine* which enabled Thomas Edward to identify the "lump of worthless matter" thrown aside by the authorities of the Banff Museum, with the femur of the fore-paddle of the Plesiosaurus Dolichodeirus, now one of the most cherished objects in their collection, and it is believed the only fragment of the Plesiosaurus as yet found in Scotland.—Smiles' *Life of a Scotch Naturalist.*

'the task of self-education; and every one who is in earnest will 'be raised in his own estimation by being treated with the 'respect implied by a high style of composition. Yet I should 'have thought that hard words unexplained at the moment of 'their use, or first use, would have operated as a great stumbling-'block. . . No better habit can be formed by the student of 'language—that is to say by every student, for every student 'must use language—than that of seeking the derivation of 'every word with which he desires to make himself thoroughly 'acquainted; always remembering, however, that the derivation 'is not necessarily the conventional meaning of the word. 'This was a distinction Horne Tooke never learnt; and the 'want of it depreciates the value of his great work to an in-'calculable extent—as Whately justly remarks. Your author 'did well to cite the correction. I made it for myself when a 'youth; but it so discouraged me as regards Horne Tooke, that 'I laid down the book nearly half a century ago, and have 'never taken it up again, I am sorry to say.'[1]

In the previous year M. de Pontès, accompanied by his wife, had spent several months in England. During his visit he had closely studied many of its social problems as subjects for his pen.

To Madame de Pontès.

'HEATH HOUSE, *Sept. 9th*, 1858.

'. . . I have read the article [in the *Revue des Deux Mondes*] 'with great interest, and must ask you to express my thanks 'to your excellent husband, for his favourable notice of my 'exertions. I anticipate much good to result from the pains 'which he has taken to make our social labours in England 'understood in France, and wherever *La Revue* is read—that

[1] In a letter to Mr. W. L. Sargant he says :—'Adam Smith's perfunctory and 'fallacious treatment of the distinction between productive and unproductive 'labour, made me, when a boy, lay down his book. I knew something was wrong, 'but whether it was in myself, or whether or not the whole science was bosh, I 'had not wit enough to find out. I lost much in early life by giving way to 'this distrust.' It will be remembered that he cast aside Euclid in the same way.

'is to say, throughout the *deux mondes*, for I believe it is 'as widely diffused as its title imports. It is rare indeed 'to find a Frenchman thoroughly comprehending and accurately 'appreciating the value of our voluntary principle, as we call it,— 'how it acts upon the Government until at length it is becom- 'ing the motive power which urges, and not only urges, but 'directs very precisely, our legislation on all subjects; so that 'our Parliament is gradually but surely assimilating itself to 'the French Parliaments of the old *régime*, with this notable 'difference,—that whereas they registered the edicts of the 'King, ours registers the edicts of the people, without however 'trenching at all on the prerogatives of the Crown. Neither in truth 'does this course trench on the privileges of Parliament, because 'the facts and the arguments which have convinced the people 'have produced the same impression on the Houses. They are 'not overawed, but brought into agreement with the state of 'opinion out of doors. I would not be understood to affirm 'that this, which I believe to be the true theory, is in every 'instance carried into practice. Indeed, it may often happen 'that individual members of either branch of the Legislature, 'yield their votes while they preserve their old opinions; and, 'as regards the House of Lords, it may happen, now and then, 'that a majority is thus influenced. Yet I have no doubt that, 'year by year, the harmony of opinion between the people and 'the Legislature which is productive of such excellent results, is 'becoming more and more complete.

'The philosophic politician, like M. de Pontès, can hardly 'observe too minutely the working of this principle. One or 'two individuals of advanced opinions try to gain converts 'through the newspapers. A percentage of such attempts 'succeeds. A large proportion fails; sometimes because the 'object aimed at would be mischievous if attained; sometimes, 'and indeed very frequently, because the public is not yet 'prepared to agree with the promoters of the new scheme, 'or, if agreeing, are lukewarm in the interest which the authors 'are trying to inspire. In either of these cases the project falls 'to the ground; but no harm is done. On the contrary, it is 'well to engage the public mind on proposed improvements,

'whatever be the judgment formed upon them. Again, if the 'defect of the project be simply that the public is not yet pre- 'pared for it, the seed which is thus sown, though unfruitful 'for a long season, may spring up at a more favourable time. 'But as I said, a percentage of these attempts *is* successful.

'The next stage is the trial of experiments, if the nature of 'the proposed improvement admits of such a test—as the 'reformatory question did. The results of these experiments 'are recorded, and published. If the failures exceed the suc- 'cesses in a large proportion, so as to show that however 'plausible the theory may be, it cannot be reduced to practice, 'the project, which had survived the first stage, dies in the 'second. But if the results are favourable, the good auspices are 'the prelude to a battle, or rather a campaign—as the battles are 'always multiplied. Public meetings are then held, Ministers 'are besieged by deputations, petitions are sent to Parliament, and 'every resource is brought into play to influence the Legislature, 'which is not moved rapidly. Years generally pass away 'between the introduction of a measure into Parliament, and its 'becoming the law of the land. Doubtless, we suffer from the 'slowness of this operation. Many an abuse lives a long life 'after general opinion has denounced it; partly because where 'physical violence is out of the question, a much greater influence 'is required for a change than for the retention of that which 'is established. But our slow rate of motion is not without its 'advantages. The public mind is not heated—the axles of the 'State-carriage are kept cool. We have no overturns. Nor are 'we carried by our momentum beyond the true point at which 'we ought to stop—that point being, as I conceive, not where 'the improvement attains to perfection in the abstract, but 'where change would cease to be in accordance with the con- 'victions, habits, and feelings of a majority in the country, 'preponderant not merely by numbers, but also by wealth, 'talent, and social position.'

After noting a few errors in the article, and particularising one occurring in a statement of his own views on the Maine-law, he continues:—'The parallel [drawn by M. de Pontès] 'between the treatment of the insane and the criminal is admir-

'able; and followed, as it is, by a clear exposition of the Irish 'System, must produce an important effect on the reader. I 'am particularly pleased, too, with what is said regarding 'Mettray, and M. Demetz, and his popularity in England. It 'will, I hope, do something towards lessening that feeling of 'dislike which, I have been compelled reluctantly to believe, 'is entertained by large numbers, in all classes of the French 'people, against the English. The article, in this number of 'the *Revue*, on Bastiat, affords conclusive proof of the prevalence 'of this animosity.

'M. D. HILL.'

To the Same.

'HEATH HOUSE, *Dec. 12th*, 1858.

'I will not conceal from you that I think M. de Pontès is 'engaged on a task of the utmost difficulty. The condition of 'the people of England, both positively and comparatively with 'that of other nations, has occupied my thoughts, and frequently 'directed my studies, from my youth upwards; yet, after all, I am 'very far from feeling myself in a position to form a satisfactory 'judgment on this all-important matter. On one portion of the 'subject, namely, the condition of the masses here, as compared 'with their condition at any previous time, I have a very clear 'opinion—the growth of long and earnest consideration. I believe 'it to be far better now than ever before, both physically and ment-'ally—including the moral state in that of the mind. I cannot 'put the evidence before you in a letter. I have drawn it from 'a thousand sources; and, although not free from all difficulty '—what historical question is?—yet on the whole, the balance is 'so decidedly on that side as to leave no practical doubt on my 'mind.

'I will mention, however, one or two very broad facts. First, 'the quantity of food produced in the country has increased out of 'all proportion beyond the increase of population; yet formerly 'England was a country largely exporting food, whereas now 'she imports to a vast extent. Secondly, the ravages of disease, 'partly from bad and insufficient food, partly from ignorance of 'sanitary principles as regards personal cleanliness, ventilation,

'and drainage, and partly from the low state of medical science, 'and the still lower state of knowledge in medical practitioners, 'desolated the land in a manner of which we have lost all con- 'ception. Thirdly, although periods may be found when food 'was cheap, and although from the quantity of land in the 'island, compared to the smallness of its population, it is 'possible that the average was below the present—although I do 'not believe the fact—yet what was the average is not the true 'question. The absence of extreme fluctuation is the true point. 'In our own day if the price of wheat doubles, the fluctua- 'tion is justly considered a very great evil; but in former times 'wheat would rise to a tenfold price to what it was a few years 'before. Again, the price in one part of the country from want 'of good internal communication, such as we have now, would 'be four times as great as in another on the same day; so that 'the land might in one district have a superfluity, and in another 'a famine, at the same moment. This is a matter to which 'historians have given far less attention than it deserves.

'Further, the expectation of life was far indeed below what 'it is now; or in other words the average of life is much greater 'at present than in past times. Now this latter result is most 'important, because it is that produced by a very great number 'of causes—temperance, chastity, well-regulated industry, a good 'supply of wholesome food, well-cleansed and well-drained towns 'and villages, good medical treatment easily obtained, mental cul- 'tivation, government of the passions. All these matters combine 'to produce longevity, and their opposites combine to shorten life. 'I wish you had access to Charles Knight's *Popular History*. It 'is a book of careful research, by a man who, in a greater degree 'than myself, has made the condition of the people his study 'through life.

'The point which you urge in your letter, as to wages, has given 'me more trouble in the way of investigation than any other; 'but, weighing everything carefully, it does not disturb the con- 'clusions at which I have arrived. Several points have to be 'considered—first, as regards skilled labour. The professors of 'it were usually members of guilds; and the object of all who 'had attained a proficiency, was to limit the numbers of their

'competitors. Consequently the progress of any aspirant to a 'handicraft was impeded by a thousand restrictions, many of 'them supported by law. Again, the same irregularity which 'existed in the price of food, existed in the demand for labour. 'It was subject to frequent interruptions from one cause or other; 'and, in the winter, agricultural labour was for the most part 'suspended altogether. Then the effect of epidemics was to 'diminish the number of labourers suddenly, by carrying off the 'heads of families—many diseases seizing by preference upon the 'strong and vigorous adult. Hence the quantity of destitution 'among those who could not come into the labour market—while 'on the other hand those who could, obtained a monopoly price, 'so far as they could evade laws enacted to prevent wages rising 'to a higher level than their employers—the law-makers—'thought fit. Thus, in the reign I think, of Edward I. after a 'plague following a famine, the clergy were so reduced in num-'bers that priests could not be had to perform the parish services 'without double pay—they not being within any of the Statutes 'fixing wages.

'Add to the evils to which I have called your attention, those 'of general ignorance—ignorance of what laws ought to be made, 'ignorance and corruption in their enforcement, the miseries of 'superstition, the absence of books, and I think you will see 'that we have increased the means of happiness, and diminished 'the causes of misery, in a very great ratio.

'Although I have said not a hundredth part of what I could 'say on this topic, yet I have left myself but little room to 'touch on the comparison between the condition of the masses 'in England, and in other countries. This is the most difficult 'part of the subject. I freely admit that the outward marks of 'that destitution, which is sometimes the cause and sometimes 'the effect of a deficiency in self-respect, is manifested more in 'England than in any country I have ever visited (of course when 'I say England I mean the British Isles). But I believe at the 'same time that those destitute persons spend more in the year, 'than many on the Continent who preserve a much better 'appearance; and, what is more, I believe that, with all their 'sufferings, they live longer, because of the better supply, which

'their greater command of money permits them to obtain, of the 'necessaries of life. Never forget the well-established fact that 'life is longer in England than in any part of the world,—that 'London, notwithstanding all that has so naturally shocked you, 'is the healthiest of all capitals, and that as compared with 'beautiful openly-built Munich, its death-rate is only *one-half*.

'In fine, I believe that, as regards expenditure the moral 'state of England is low; that improvidence is the great curse 'of our fellow-countrymen, especially of the lower classes; and 'that it always was so, so far as history throws light on the 'subject. Further, that in the modern state of England, there 'are causes operating both ways, some to produce providence, 'others improvidence; and that the set of causes which prevails 'at the present moment is a matter, in my mind at least, of great 'perplexity,—but that I see reason for believing that the causes 'producing improvidence are in a way to yield to those having 'a contrary effect.

'I must now come to an end. To study the question of '"Pauperism" anywhere, would be, as I have said, a difficult 'matter. I think the materials can scarcely be found in any 'one country. As regards England, it would not be safe, I 'think, to write upon it, without access to English libraries.

'M. D. HILL.'

To Mr. Knight.

'BIRMINGHAM, *Dec. 29th*, 1858.

'I have just read with great delight the article in the *Times* 'on your *Popular History of England*. The writer, Samuel 'Lucas I suppose, strikes the right chord. The *critique* is 'admirable. I endorse the whole of its eulogy. Your mission 'is rather to construct than destroy; or, better than either, to 'create and encourage contentment with the gradual though 'perhaps over-slow growth of good out of evil, or out of a state 'of things unfit for us, sometimes only because we are unfit for 'them.... The passages in Brougham's *Éloge* on Newton which 'best please me, are those in which he adverts to the gradual 'progress of discovery—a truth quite as applicable to political 'and social progress as to the advancement of the sciences.

'*Dec. 29th.*—I pass to-morrow and Sunday with my good 'friend Charles Adderley, at Hams Hall, not far from the seat of 'good old Dugdale, who, with a much abler man,—dear old Fuller, 'stood by Charles I. at Edge Hill. It is a great comfort to be 'able to feel that without losing one tittle of faith in which was 'the right side of the immortal conflict, one can look back on 'the grand figures engaged in it with something of the *Tros* '*Tyriusve* feeling. I have had Forster's book read to me.[1] 'The way in which he has dealt with D'Ewes and the Grand 'Remonstrance is very satisfactory, but he is somewhat too 'keen a partisan for an historian. The tyranny of the majority 'in the House over dissidents—and especially the protestors, was 'perhaps justifiable by the necessity of the case, but requires 'that justification; whereas Forster treats the matter as if it 'were right under ordinary circumstances.

'As regards Steele, I quite go along with you. You revive 'impressions of half a century ago, when I read Mrs. Barbauld's 'Selections from the *Tatler*, *Spectator*, &c., where, if I mistake 'not, the names of the writers are given. I well remember my 'keen relish of Steele's wit and humour, and thinking it (wherein 'perhaps I was too boyish) better than Addison's. . . . How 'fully do I concur,' he wrote somewhat later, 'with every word 'you say [in the *Popular History*] of Pope, and especially of 'the fourth book of the *Dunciad*, which I have long considered 'the noblest satire in the English tongue; and this, without 'forgetting for a moment, the powerful claims of the immortal '*Hudibras*.

'You have traced with a fine and sure hand the line of fallacy 'which runs through all the satiric works of the age of Anne. 'But I feel inclined to differ a little as to your fears from the 'wide range of studies connected with competitive examination. 'If attainments in all these studies were made imperative on 'each candidate, I should go along with you; but I feel that the 'principle involved in this multifariousness, is the sound one 'of leaving each mind to develope itself in those pursuits to 'which, by nature or opportunity, it has particularly addicted 'itself.

'M. D. HILL.'

[1] The *Arrest of the Five Members*.

CHAPTER XIX.

Mr. Adderley's Lecture—Function of the State—Industrial Education—Infant Schools—Kindergartens—Letter to Mr. Murray—Style—Burke and Milton—"Saxon" Words—Early Promise of Genius—*Adam Bede*—Mr. S. J. May—American Slavery—Dr. Symonds—Lord Lansdowne and Bowood—Pictures—England and America—On Lord Brougham's "Introduction"—Letter to Mr. Sargant—Adaptation of Men to Functions—James Morrison—Robert Owen — His Career — Ruined by Communism — "Special" Education—Brougham at the Temple Church—Progress of Science—Spirit-rapping.

'I DEEPLY regret that no report of your Lecture appeared in 'the *Times*,' Mr. Hill writes to Mr. Adderley, on January 13th, 1859. 'It ought to have appeared if it were only to publish 'one of the most apt and striking illustrations I ever read, 'defining as well as illustrating the duties of the State, viz.: '"to keep up the rear, and stand out of the way of the van." '"The van," to use Johnson's happy phrase, "should not be en-'"cumbered with assistance." Obstacles however which the 'State has placed in the way, the State ought to remove. I refer 'now to the Paper-duty, which presses on the self-educating class, 'the most important of all, by enhancing the price of books. '"Very little,"—you will say; but it is surprising how little may 'sometimes make all the difference. A reduction of three-half-'pence a pound made all the difference between abandoning 'the *Penny Cyclopædia*, and completing it.

'As I have a few minutes to spare, I will offer a sketch of 'my views on the points in which they appear to cross yours. 'I say *appear*—for I have some confidence that if we had time 'and opportunity to talk the matter out, we should not be found 'very materially to differ.' Mr. Hill's remarks bear on questions still under discussion. 'I think you undervalue what is 'called industrial education. . . . If the human brain were like

'a bottle, I should say—Pour in a mixture of reading, writing, 'and arithmetic, and when it is full, cork it down and send 'it off. In other words, let the pupil go to work, and, making 'his calling his first care, let what is usually called his educa- 'tion be continued, most certainly, but continued only as a 'secondary pursuit. Let, I should say, specific training to a 'money-getting avocation, be the first; and let the second be 'carried on by the aid of the half-time plan, evening schools, 'Mechanics' Institutions, and what not.

'But the human brain is a very different affair from a bottle; 'and in the term brain, be it understood, I include the heart. 'We overwork it (especially with our own children)—that being 'the organ they will have to exercise in adult life, to earn their 'bread, if poor; and to maintain their position before the public, 'if rich. And here I think we are wrong. So you agreed at Hams. 'But, you said,—"Let them have more cricket, and some garden- '"ing." I was glad to hear this; but it is not enough. As regards 'the poor, the corporeal faculties are their bread-winners—of 'course under the guidance of good sense, and good conduct. 'Moreover, an early addiction to mere amusement in their rank 'of life, is not without its dangers. Now of all the corporeal 'powers which it is most to the interest of this class to culti- 'vate, handicraft, I think it will be conceded, stands first; and 'we all know that manipulation cannot be commenced at too 'early a period. Indeed, we know that for all the finer purposes 'to which the hand is applied, if education does not begin early, 'excellence can never be attained. Instead therefore of filling 'up the whole interval between brain-work, and brain-work, 'with play, I like to see the children employed so as to make 'them handy—the girls in cleaning, cooking, sewing, and 'knitting; the lads in tailoring, shoemaking, gardening, and 'agriculture; not each confined to one occupation, but shifting 'about—not at will, so as to encourage desultory habits, but only 'so as to give them that manifold capacity which we call "handi- '"ness." At Mr. Yorke's Industrial-school a little fellow learnt to 'mend, or perhaps only to cobble shoes; that is to say, he was 'no doubt a very rude workman, but he had acquired the power 'of doing something which would effect a useful purpose.

'Having received some pence as a reward, he ran off to his 'mother, obtained a pair of her shoes which required mending, 'bought with his pence, leather, and other necessary materials, 'and then going back to his tools he made himself his mother's 'benefactor by repairing her shoes. Thus did hands and heart 'receive a lesson which many a man has passed through school 'and college without learning—and indeed without learning any-'thing else of half its value. . . But my time is out, and your 'patience I should think, has also made its exit.'

Another aspect of this subject he had touched upon, after expressing to Sir John Pakington his sense of the great service the member for Droitwich had rendered to the country by his speech upon Education delivered in the House of Commons, on the 16th March, 1855. Writing at the time, Mr. Hill says—'My second remark arises out of your observation that the 'industrial training given to teachers, is to an absurd degree 'scanty and inefficient. If, however, the industrial portion were 'made the primary object, and the literary and scientific portion 'secondary, it would be necessary for schoolmasters and school-'mistresses to acquire no inconsiderable mastery over each of 'the various industrial arts practised in the school. He [the 'master] would thus be more completely fitted for a teacher, and 'less so for a clerk than at present. This aptitude in many 'instances would turn the balance of his inclinations towards 'remaining in the pursuit which he had already entered.'

In answer to an inquiry from Lord Brougham how, in a Paper upon which he was engaged, he shall treat of Infant Schools as preventive of crime, Mr. Hill writes:—'As 'to the effects of education on the diminution of crime, 'there is a popular error I think both *pro* and *contra*. The 'noble term *education* dwindles down, in the popular mind, to a 'few branches of mental instruction, as distinguished both from 'ethical teaching and—what is infinitely more efficient—moral 'training. Looking at the question in the abstract, it is not 'easy to find very strong reasons why a knowledge of reading, 'writing, and arithmetic should be held a preservative from 'crime, any more than the far more wondrous faculties of seeing, 'hearing, touching, and locomotion should have such a magical

'operation. And yet, in point of fact, we do know that the 'majority of criminals are illiterate; and that close and extensive 'observation has convinced many, that, in various ways, the 'possession of these acquirements is, to some extent, a preserva- 'tive against criminal courses. On the other hand, the force of 'these dissuasives has been overrated—*video meliora*, &c., and 'Pope's couplet—

> '"Who reasons wisely is not therefore wise,
> '"His pride in reasoning, not in acting, lies."

'These authorities, to which I might add that of St. Paul, show 'how keenly alive men have been to the gulf which is often 'spread between knowing the right, and pursuing the right. 'When the habits rebel against the intellect, treason is generally 'successful. The great matter therefore is to form the habits, 'that is to *train* the child, and not simply to instruct him. The 'longer I ponder on the subject the more I am convinced that 'the text "Train up a child, &c.," is the most valuable legacy of 'wisdom ever bestowed on mankind.

'Our Infant School system has been injured in practice by too 'close a resemblance to that of schools for children and youths 'of more advanced age—the latter system not having yet 'shaken off that clinging to coercion, as the great expedient 'in the polity of education, as in all other polity. Schools, 'gaols, government by law, government by fashion, all these 'suffer, in my mind, from a superfœtation of the coercive prin- 'ciple. . . . . I cannot but surmise that, dealt with by an 'intellect at once grand and keen, the course of investigation 'thus hastily indicated, might lead to some great truth not 'unworthy to fill a place in the moral world, following— 'though perhaps *longo intervallo*—that occupied in the physi- 'cal world by the attraction of gravitation, and that which 'there is some reason to believe will be hereafter occupied 'by the doctrine of the correlation of forces. I believe 'that Infant Schools have in some respect suffered even in 'comparison with the liberty of the streets, by reason of this 'cramping element in the system. One master of a Charity 'Day-school here, whose ranks are fed partly from Infant-

'schools and partly not, says he finds the Infant-school children 'duller than others. It would seem from this experience of his 'that the edge of their appetite for knowledge had been blunted. 'Again a writer in the *Daily News*[1] asserted that children in 'Infant-schools were more liable than others to diseases of the 'brain. My inquiries do not verify this statement, which, 'nevertheless, may be founded in truth as to individual schools, 'but hastily and incorrectly generalized. But, reasoning *à priori*, 'I must believe that Infant-schools are open to this imputation. 'I think the leading object of such a school should be to 'make the little pupils healthy and happy, by healthy, childish 'exercises carried on in the open air; by the use of suitable 'and unrestricting garments, by temperance in food implying a 'great parsimony of sweetmeats, &c.; by thoroughly well-venti- 'lated rooms, and well regulated temperature; by frequent 'ablutions; by inculcating through the medium of example, 'peppered now and then with a modicum of precept, forbearance, 'good temper, moderate desires, resolution in bearing pain, 'whether of mind or body, and a respect for liberty of action 'in those around them. Health and self-command are the most 'important requisites of happiness at a period of life when joy 'gushes forth at every step, and when the sources of misery 'may be so easily dried up. Children so trained will learn 'truthfulness, or rather their natural truthfulness will encounter 'no obstacle in its growth, to bend it awry. With regard to 'literary instruction, I would not even give it a second but 'only a third place—the second rank being given to the 'education of the organs, the eye, the ear, the voice, and above 'all the hand. These views have been acted upon, I am told, 'with great success by two Prussian exiles, husband and wife, 'named Ronge. They have established, in London, an Infant- 'school under the name of a *Kinder-garten*. I saw, a day or 'two ago, an article in the *Times* on this establishment, praising 'it highly.[2]

'M. D. HILL.'

[1] Upon the death of Robert Owen, November 1858.

[2] Kindergartens, of late years become popular among the middle classes, are now happily in course of introduction in public elementary schools. In one hundred and seventy-two out of the two hundred and fifteen Infant-schools

To Mr. Murray.

'COURT OF BANKRUPTCY, *Feb. 3rd*, 1859.

'. . . . I feel that I owe a vast debt to Burke in all that 'belongs to those arts of composition which are directed to 'convince, or persuade the cultivated mind. He has embalmed 'the wisest of maxims in the most exquisite of diction. For 'my own part, however, I do not counsel imitation; and, as of 'consequence, I do not counsel that very minute study of any 'one author which would unconsciously drive the student into 'imitation. I have at various times in my life felt myself under 'the spell of some favourite author. Milton's *Prose Works* 'became somewhat of a snare—so did the *Decline and Fall.* 'So, again, did the exquisite papers of Addison.

'When a youth, I was charmed with the style of another of 'your countrymen, the author of the *Fool of Quality.* Indeed 'I still think his version of Froissart's *Surrender of Calais,* 'and his narrative of *Damon and Pythias,* admirable specimens of 'rhetorical art, as applied to the purposes of narration.' Mr. Murray had asked the course he had pursued in cultivating "style." 'My object in writing, so far as style is concerned,' he answers, 'has been first, accuracy and clearness of expression— 'having always in view that I address myself to candid minds 'and not to cavillers. As regards accuracy, my anxiety is to 'give to each idea the most closely fitting word. I do not

under the London Board, a portion of the school-time is set apart for Kindergarten instruction and work. It is, however, as yet only a subject to be taught, not a system of education. There are well-grounded fears, lest our present mode of getting children, only seven years old, through the First Standard, should by overtaxing the brain, create dullness at a later age. Infants educated on the Kindergarten system may not indeed acquire the art of reading as early as they do under the actual method; but, with their intellects gradually and gently developed, and their powers of observation drawn out, this delay will present no real hindrance to education, while all danger of overstraining is avoided. It is to be hoped that a system increasing in favour abroad, may soon find general acceptance here. An Association, named 'The Froebel Society,' after the originator of the present system, has been formed in London for its promotion. Among the means for accomplishing this end will be lectures and discussions, examination of students, granting of certificates, inspection and registration of Kindergartens, and the establishment of a Central Training College in London. An institution called the *Froebel-Verein*, embracing these objects, has for several years existed at Hamburg.

'give a generic word when speaking of a species, nor a 'specific word when speaking of an individual. Pope in one 'of his exquisite "Imitations of Horace," has the line—

'"And his foot swims in a capacious shoe."

'I forget the Latin. Well, I try to prevent my ideas shambling 'about after that fashion. The only other rule with which I 'mean to bore you is this,—Choose the best word with re- 'ference to the idea to be conveyed; but, where between two 'words the choice is equal, take the Saxon in preference to 'the Latin—and that which is idiomatic in preference to that 'which is not so. This remark rather points at phrases—and, 'for myself, I have such a relish for an idiom, that when I find 'an apt expression I overlook a redundant word or two, if it 'form part of the idiom.

'I think you touch the right chord when you advert to the 'fact that each age has, and must have, its own style,—and this 'without prejudice to the individuality of each author's style. 'The immense number of new facts of which we are in pos- 'session as compared with our predecessors, the vast change 'in habits and manners by which we put off all that is cum- 'brous and interferes with celerity either in diction, thought, 'or expression—these changes must necessarily affect our style, 'even if they had not created new words, introduced new 'illustrations, and varied our idioms. But there is another cause 'which lies deeper, and which I believe to be more potent than 'those which I have mentioned. Our whole course of reasoning 'is changed. Take this one fact in proof. Thirty years ago 'what word was more in use than the word *innovation?* No 'reader ever got through his newspaper without coming upon 'it. No debate was ever concluded without its having been 'thrown backwards and forwards, like a shuttlecock—the Tories 'treating innovation as conclusive, the Liberals always treating 'it as a great impediment which, however, must *sometimes* be 'encountered, though at others it must not be ventured upon. 'It is curious to what shifts men of progress were driven to 'escape the charge of being innovators. It was for this that 'they went back into history, and affected to find all they

'wanted, say, for a perfect system of representation, in the laws 'and usages of a barbarous age. *Now* the principle of utility is, 'in secular matters, an admitted basis of argument.

'As all reasoning springs from *data* which are usually tacitly 'understood, and conceded, rather than expressed by either party, 'it is quite clear that any change in these accustomed *data* must 'have a wide operation on thought, speech, and writing.

'M. D. HILL.'

To Miss Barbara Corlett.[1]

'COURT OF BANKRUPTCY, *May 10th*, 1859.

'. . . As a rule I should say that the early productions of 'our greatest writers have been signally deficient in originality. 'The *Hours of Idleness* gave no intimation, even to the acute 'mind of Jeffrey, that their author would write *Childe Harold* 'or *Sardanapalus*. On the other hand, indications in early life 'of great powers in their bud, are not so rare but that the 'absence of them is considered to raise a strong presumption '(unjustly as I think) against the young writer who manifests the 'deficiency. It is easy to point to the *Hymn on the Nativity* and 'say,—"There is the unmistakeable germ of the *Paradise Lost*," 'as most truly there is. But a Milton once in five centuries 'would be a profusion in Nature which I, for one, cannot hope 'will ever be realized; and descending to lower, but still 'glorious heights, how many instances may be found in which 'fulfilment came without being preceded by promise!

'There is nothing for it, so far as I know, but for us to 'exercise our faculties diligently, and follow the promptings of 'our peculiar talents whenever they choose to show themselves. '. . . Do not think me indifferent to genius. I have sometimes 'thought it possible that I have derived more true enjoyment 'from the *Paradise Lost* than it gave to its mighty author. The 'triumphs of power are essentially and necessarily alloyed by

[1] Miss Corlett took an active interest in various social movements in Ireland, and to her efforts the Queen's Institute at Dublin (which provides technical instruction for women) is much indebted. Mr. Hill's correspondence with her was chiefly on literary subjects.

'egotism, whereas the admiration of those who profit by these 'rich displays of genius, is not only pure from vanity or pride, 'but is chastened by that humility of spirit which the contrast 'between themselves and him who thus ministers to the highest 'wants of their nature, must infallibly produce.

'I hope I have made myself intelligible, but the air of a 'Bankruptcy Court is not favourable to meditations of this 'kind.

'M. D. HILL.'

To Rosamond Davenport-Hill.

'COURT OF BANKRUPTCY, *May* 1859.

'. . . We are reading *Adam Bede* little by little, not making 'dinners of it, but keeping it for dessert, so that it may last all 'the longer. Indeed, it is so exquisite that a little of it at a 'time, is as much as I can bear . . . There is a power of fine 'discrimination in Eliot, and of making it apparent to the 'reader, which seems to me unrivalled in any living author. 'Mrs. Poyser for instance, is like Lisbeth, querulous and satirical; 'but in the first the querulous element is kept down by pros- 'perity, which gives the satiric more development, and unites it 'to the over-bearing. These distinctions are so clearly, and yet 'so delicately marked, that while the two characters cannot be 'confounded, yet they stand in no contrast to each other. The 'lame schoolmaster's woman-hating is very amusing, and 'original; and the hero, Adam Bede, is one of the few heroes 'of a novel who has anything heroic in him. The first scene 'at the Hall Farm is worthy of Walter Scott in his best days. 'The ducks going to the dirty gutter to get a drink with as 'much "body" in it as possible, is intensely humorous; and so 'is the reason for scolding the poor kitchen-maid—because the '"whittaws" had come on a rainy morning.

'M. D. HILL.'

To Florence Davenport-Hill.

'COURT OF BANKRUPTCY, *September* 1859.

'I came into the city early this morning to meet an American 'Unitarian minister, Mr. Samuel J. May, a highly intelligent

'man, who has made anti-slavery his great object. I am going to 'hear him preach on Sunday, at Lewin's Mead Chapel. He has 'given me much information as to the state of the question in the 'United States, and a good deal dashed my hopes of a peaceful 'settlement of it. He thinks the battle of Armageddon must be 'fought. Speaking of Garrison and Wendell Phillips, he used a 'picturesque expression in describing their tolerance of opinions 'not in accordance with their own. He said "they gave a hos-'"pitable reception to other men's thoughts." He thinks the 're-establishment of the Maine-law in Maine, a most important 'and encouraging fact; but he thinks that in New York, his own 'State, they attempted prohibition prematurely, and that they 'have for several years injured the cause of temperance.[1] He quite 'confirms all that has been said of the rapid progress of educa-'tion, not only in New England, but in the Free States generally. 'But he says no common schools, that is schools for the people 'at large, supported or aided from public funds, exist in any of the 'Slave States. He gave a curious instance of how an attempt 'to establish one by a Northern man, settled in the South, was 'defeated (though favourably entertained at first) from a convic-'tion which arose that if such a school were established it would 'give facilities to the slaves to obtain instruction; or—as Mr. 'May expressed it—"if they opened a fountain of knowledge, the '"slaves would be sure to drink of its waters."

'M. D. HILL.'

In acknowledging a letter from Mrs. Maria Weston Chapman, of Boston, U.S., in which she had thanked him for words spoken in public in support of emancipating the negroes, he writes:—'The meeting to hear Miss Remond's lecture on Slavery in the 'United States was an opportunity for learning important, though 'most painful facts, which I should have regretted to lose, 'delivered to us, as they were, with all the advantages of clear 'exposition, and urged home to our feelings by simple genuine 'eloquence. That the oppressed race numbered individuals of the 'highest talents I knew before; but I never *felt* it before, as I did

[1] New York was one of the eleven States which repealed the Maine-law, but has substituted for it several restrictive measures. (See *ante*, p. 280.)

'on that day. Certainly the contrast between the moral and intel-
'lectual stature of the gifted negress to whom we listened with
'breathless attention, and that of the puny whites whom I have
'heard at home and abroad, speaking with contempt of all below
'them in the skin-deep test of colour, must have put to shame,
'for the moment at least, all who ever justified or excused
'slavery because of the essential degradation of the blacks; if
'indeed any sophists of this school were present, which I much
'doubt, for when I speak of revilers at home, I must do my
'countrymen the justice to say that they have generally been
'strangers from your side of the Atlantic.[1]

'You will probably have asked yourself, although your kind
'forbearance has withheld you from asking me, how it is that
'with such strong convictions of the diabolical evils of slavery, I
'have done so little to advance what you justly call the "noble
'"movement," to which you have devoted a life of zeal, courage,
'and self-sacrifice? My answer must be that my best years
'were, so far as the duties of an exacting profession afforded
'me opportunities, given to pursuits more immediately bearing
'on the welfare of the population in which my lot has been
'cast—education, temperance, and the treatment of criminals.
'Now, indeed, I have more leisure, but it has only come at a
'time of life when the faculty for labouring is rapidly on the
'wane.

'Shall I confess there is another cause? The emotions ex-
'cited by the hideous facts which an inquiry into any portion
'of your great subject brings into view, are so powerful, that
'such a meeting as the one to which I have referred is always
'followed by a prostration of thought and feeling, which goes
'far to incapacitate me for the fulfilment of my duties for the
'next day or two. This is a sad weakness no doubt, and in the
'vigour of manhood might have been controlled, but not now.[2]

'M. D. HILL.'

[1] Nothing so stirred his wrath as the assumption that difference of colour implied difference of rights; and so exasperating to him were the despicable arguments advanced on the other side that they sometimes even bade fair to become the ground of a personal quarrel.

[2] This acute sensitiveness made it impossible to him to read *Uncle Tom's Cabin*.

To Florence Davenport-Hill.

'COURT OF BANKRUPTCY, *Sept. 29th*, 1859.

'We had a very pleasant party at Dr. Symonds' last night.[1] 'Mr. Harford[2] talked of Cardinal Antonelli, and of the story, 'which he seemed to believe, that the Cardinal was born in a 'village inhabited by banditti and their families; and that he has, 'or had, an uncle, a convicted bandit, kept in a prison visited 'by travellers who desired to see the bandit-uncle of a Cardinal '—the Prime Minister of the Pope. An English family went, 'among others, and one of them having a talent for sketching 'portraits, the old bandit was asked to sit, to which he gladly 'assented; but when they were coming away he asked for two '*scudi*, which he said was his price for this compliance.

'Lord Lansdowne told us that Poerio dined with him in 'London, and, as foreigners do, came very early. Lord L. asked 'him about his treatment in prison, which, as we know, was at 'one time extremely cruel, and probably at all times harsh. 'But it seems that for the last two years he had been allowed 'to have some books, and, as he reads English, some kind person 'sent him Grote's *History of Greece*, his perusal of which had in-'spired him with a passionate admiration for it. He became 'eloquent on the merits of the work, and while he was descant-'ing on its beauties in walked the author, who was one of the 'guests. An interesting meeting, was it not?

'M. D. HILL.'

A little later in the autumn he was paying a visit at Bowood. Writing to his nephew, Julian Hill, he says:—'I was fortunate 'enough to be able to squeeze the three latter days of my 'Sessions-week out of their usual occupation, and spend them 'here, the abode of a very interesting old man—a living chapter 'of history; and, what is best of all, the consistent friend of 'justice and improvement in public affairs. I can hardly believe 'the possibility of what however is an undisputed fact, that

[1] Dr. Symonds was his cousin, and beloved friend.

[2] The late John Scandrett Harford of Blaize Castle, near Bristol; author of the *Life of Michael Angelo*.

'he filled the office of Chancellor of the Exchequer more than 'half a century ago.' To one of his daughters Mr. Hill says:— 'This has been a very pleasant day; I have been out the greater 'part of it. There is a waterfall which, after much rain, is 'by far the finest artificial cataract I ever saw. Lord Lansdowne 'told me that some years ago a Mechanics' Institute *fête* was 'to be held in the grounds. A programme was prepared, and 'sent to press. It announced that—"Mr. —— would deliver '"a lecture at the waterfall, in which he would take occasion '"to compare the Falls of Bowood with those of Niagara!" 'Fortunately a proof was seen by Lord Lansdowne, and the 'passage expunged.'

To Margaret Hill.

'BOWOOD, *Oct. 29th*, 1859.

'The *Times* I suppose is patting me [in an article on his recent 'Charge] to make up for cuffing Rowland. Bye and bye it will 'be *wisy warsy!* . . . I have just concluded a pleasant walk 'with Lord Lansdowne. We talked of Bentham, Burke, Fox, 'and of Brougham's perennial youth.

'*Oct. 30th.*—I can say *no* with some confidence to there being 'the slightest *soupçon* of senility in Lord Brougham's speech at 'Edinburgh, as I have Lord Lansdowne's authority for my 'verdict that it is in Brougham's best vein.[1] You must read 'it in the *Times* of Friday, together with an article upon it in 'the *Times* of yesterday, which speaks of its value to Europe in 'the highest terms.

'I have had an interesting morning looking at photographs of 'the excavations at the Mausoleum, which were brought to 'Bowood by Mr. Newton, who had the excavations made. He 'is the new Consul at Rome, and is full of learning and intelli- 'gence. . . . There are many works of art. The landscape by 'Rembrandt is said to have been painted by him in eight 'days. The subject is the Mill forming part of the house in 'which he was born. It stands on a high rock overhanging a 'river. I remember seeing this picture many years ago, one

[1] The speech was delivered at a dinner given to Lord Brougham by the citizens of Edinburgh.

'Sunday morning. Lord Brougham (then, as I think, living in 'Hill Street before he became Chancellor), took me over to 'Lansdowne House, and Lord Lansdowne, I remember, showed 'the pictures himself; but this is the only one that had fixed 'itself in my memory. There is a wonderful portrait by Murillo 'of a young priest—enough to drive all the portrait painters 'now living to suicide, by its incomparable perfection. There 'is also a female head by El Mudo. Like the Murillo it is a 'wonderful piece of handling. The countenance far more re-'sembles what one should expect that of a murderess to be, 'than the Beatrice Cenci does. But the picture which has most 'attracted my attention, is that of a beautiful young woman by 'Hogarth. It has given me a new conception of his genius. 'It is said to be a portrait of a girl with whom he was in love. 'Certainly he has reproduced the countenance in several of his 'works, as in the wife in the *Marriage à la Mode*, and in the 'heroine of the *Harlot's Progress*. But he has disfigured the 'countenance in each of these latter pictures, to suit his design.

'*Oct.* 31*st*. To-day closes my visit, and if I were not going 'home I should be very sorry to leave this hospitable mansion, 'and the delightful society contained in it. My diary! Alas! 'I have been so busy hearing and seeing, that I have had no 'time, scarcely, for writing or dictation.

'M. D. Hill.'

In a letter (dated three months later) to his friend, Mr. George E. White, of New York, acknowledging a work on Agriculture in the United States, he says—'All must see 'in it evidences of the indomitable zeal and sterling good 'sense of the New England farmer. With such a yeomanry 'as a basis of an intellectual and moral population, you *must* 'do great things—you cannot help yourselves. But reading 'the *Reports* on Education sent to me by Mr. Boutwell,[1] 'those on philanthropic institutions by Miss Dix and yourself, 'and your agricultural *Reports*, I am led to believe that you 'have had, like ourselves, your season of lethargy among the 'masses; but that the spring-tide of the soul has arrived, and

[1] Sometime Governor of Massachusetts.

'vigorous shoots are putting forth. The old Puritanic leaven 'has not yet exhausted its virtue, but has refined and liberalised 'it. New York—I mean the City—will be a scene of trial for 'American institutions. Like London, it is too large for the '*esprit de ville*. I doubt whether, with so low a standard of 'suffrage, you will be able without years of struggle to make it 'submit to good government.' After speaking of an alarming illness with which M. Demetz had been attacked, he continues —'Our poor friend M. de Pontès has died suddenly at Paris— 'Macaulay, De Quincey, and Leigh Hunt, all friends of mine 'of many years standing, are gone![1] Miss Frances Power 'Cobbe yesterday read me a letter recently received by her from 'Theodore Parker at Rome, in which he speaks encouragingly 'of his health, though it still seems but precarious. When he 'returns to England, which he proposes to do next summer, I 'shall hope to make his acquaintance.'[2]

The following remarks indicate the coyness of Nature in yielding up her secrets. They occur in a letter dated March 11, 1860, addressed to Lord Brougham,[3] after reading the "Introduction" to his *Tracts Mathematical and Physical*:— 'I am possessed of an idea (which I daresay I should find in 'some of your works) that the value of Science for itself, and 'without reference to utilitarian results, must be insisted upon, 'to keep the minds of men in the right attitude for making dis- 'coveries most fruitful in such results. Experience, I think, 'has demonstrated that few discoveries are made which are 'specifically aimed at; but that Nature must be interrogated for 'the sake of any information she may choose to give, in the full 'belief that among the secrets she unfolds will be many things

[1] To Professor Craik he had written:—'I perfectly sympathise with you in 'your feelings on the death of Macaulay. A great light is extinguished. No 'death of a public man ever affected me more since I wept boyish tears at that 'of Nelson. Wellington's I did not feel so much. I had watched for years his 'wasted form, and his drooping head. I felt too that he had lived his whole life, 'and completed his great task.'

[2] Theodore Parker's death at Florence took place shortly after this letter was written.

[3] *Lord Brougham's Works.* Glasgow: Griffin & Co.

'useful to know in the narrowest meaning of the word. Every 'day I think we see how scientific men are baffled when they 'attempt to dictate the path of discovery, so as to make it lead 'to specified objects.

'Thus the invention of some means of turning sewage matter 'to profitable account in agriculture, sufficiently gainful to defray 'incidental expenses, has been earnestly sought, but has hitherto 'eluded our search. Possibly some discoverer not bent on that, 'or any other particular point of investigation, will hit upon it 'in the course of his labours. Electricity, galvanism, and mag- 'netism having clubbed their forces, have now presented us with 'a new motive power applicable to the working of machinery, 'but too expensive at present for practical use. But suppose 'Theophrastus had aimed at such a result, would he not have 'been, in all probability, far less usefully engaged, than in the 'humble task of testing and registering electric and non-electric 'substances, without any object but to extend our knowledge of 'natural distinctions?'

To Mr. W. L. Sargant.

'COURT OF BANKRUPTCY, *April* 21*st*,1860.

'. . . I once asked Jeremy Bentham if he personally knew 'Miss Edgeworth.. "No," answered he—"the jade came to my '"door, but I would not let her in. I had unfortunately picked '"up one of her novels, and was so taken with it that I read on '"until I had lost my morning!" At breakfast to-day I was 'reminded of this anecdote by the arrival of your *Social* '*Innovators*, with which I am delighted.' After stating his reasons for differing from Mr. Sargant on the value of a general study of the principles of commerce to a tradesman, and on the use and abuse of monopolies—illustrating his argument in their favour by the Post-Office, Mr. Hill goes on—'I never was so struck before with the inaptitude of the French 'celebrities [belonging to the class of social innovators] for 'accurate and practical reasoning. Their verbiage is not only a 'nuisance, but a dangerous nuisance—the fog which conceals the

'rock. Demetz is an exception; de Tocqueville is another. But 'I cannot express to you the nausea which the botheration of 'St. Simon, Proudhon, and *hoc genus omne* have caused me.

'M. D. HILL.'

On April 30th, he writes again to Mr. Sargant—'Perhaps if 'you revolve in your mind all that may be extracted from James 'Morrison's experience, you may arrive at the conclusion that 'the want of adaptation of high knowledge to the affairs of 'commonplace business, will have its remedy when the system 'of monster houses is more developed. A young man conscious 'of a soul above buttons, would find in a Morrisonian button 'establishment some post in which his capacity would, plea- 'santly to himself, and usefully to others, expatiate; and even 'if years elapsed before he arrived at this position, yet his 'knowledge that it was upon the road he was travelling, would 'enable him to be faithful to his one talent. . . . One advantage 'cultivation of mind gives which is much undervalued. It gives 'its possessor the power of projecting himself into the future. 'He bears present monotony, performs his duties with religious 'accuracy, keeps himself free of debt and other encumbrances, 'that he may not injure his prospects in time to come. . . . I 'believe there is nothing which enlightened self-control might 'not enable a man to perform better than his mental inferior.

'If I had had more space I could have said much more about 'Morrison. It was from him I learnt, nearly forty years ago, to 'distinguish between cheap labourers and cheap labour. He 'had found by travelling that over all Europe the cost of 'weaving any textile fabric was, measured by the square yard, 'much the same in one country as in another; and that the 'Englishman was only better paid than the Italian, the German, 'or the Frenchman, according to the proportion in which his labour 'was more productive than theirs. Morrison began, doubtless, by 'studying the logic of facts; but he enlarged his knowledge by 'books, and was an excellent political economist, as the designa- 'tion is ordinarily understood. He had given himself an 'æsthetic training, and obtained through study of the works 'of art, much the same emollient of manners—using the term

'manners to apply to modes of thought—as the regularly edu-
'cated obtain from their classical studies, and from general
'literature.'

To the Same.

'HEATH HOUSE, *May 2nd*, 1860.

'I have now finished your *Life of Robert Owen*. Your candour encourages me to criticise at some length your ascription of Robert Owen's errors to self-education. Let me avow that I 'entirely dissent from this view. Owen's first very natural and 'very meritorious design, was to advance himself in life. Now, 'self-advancement, especially in the course which Robert Owen 'adopted, demands a continual sacrifice of present inclinations. 'An usher in a school can't have his own way, and if Robert 'Owen had attempted it he would quickly have been dismissed. 'Whereas he was a favourite, and something more, for he had 'inspired such confidence that, at nineteen, his master invited 'him to a partnership. In all this he was not *self-conducted* in 'the sense of following his immediate inclinations, but was 'under the iron rule imposed by the genius of advancement. 'How well he conformed to this tolerably severe discipline, 'is shown [afterwards] by the history of his Manchester life. 'Figure to yourself the difficulties of a youth placed in 'command over his elders in the duties of the factory, and 'observe how quickly he becomes master of the situation. Be 'assured nothing but most sagacious and ever-watchful self-'control could have carried him through this ordeal. But, 'he is not satisfied with his victory. He pursues his career, 'and so improves the manufacture in which he is engaged, as to 'be able to spin yarns of a much higher degree of fineness than 'any which had been hitherto attained. How did he accomplish 'this feat? There your materials failed you. You have not 'been able to solve the problem.[1] It is obvious that improve-'ments must have been made in the machinery; and most 'probable, as I think you will agree, that he either made them 'himself or, at all events, brought much inventive talent and 'sound judgment, to bear upon the operations of others.

[1] For information on this point see Owen's *Autobiography*, p. 29.

'Follow him then to New Lanark, and note the difficulties 'which he fought and conquered there. But before so doing I 'would advert to what you say of his studies—his five hours *per* '*diem* of reading, out of which you seem to think he extracted 'but little profit. Is that quite so clear? Considering what he 'accomplished, I think the probabilities lie the other way. I should 'expect to find that he had become acquainted with mechanics, 'and the practical application of mathematics generally. 'Again, to hold his place in society, especially that in which 'he mingled when a youth at Manchester, Coleridge being one 'of his associates, he must have gone over a considerable range 'of general knowledge.

'You will not have failed to observe in your progress through 'life, that different individuals may use books in a very different 'manner, and yet with results equally justifiable. One student 'makes a book his own, dresses himself in the garments of the 'author, which are found to fit him well. Another mainly 'derives suggestions from what he reads. He does not receive 'the knowledge into his system in the form and shape in which 'the author presents it, but, like Milton, as characterised by 'Johnson, he "sublimates his learning." And of this class, 'some are so infirm of memory that they forget the sources 'from which the suggestions were derived, and therefore appear 'ignorant of the books which have been so useful to them. At 'New Lanark we find anything but proof of a pampered mind, 'or of one which devoted itself to a single pursuit. Owen's life 'there was a *congeries* of pursuits—building, farming, machine-'making and improving, the government and improvement of 'his people, striking out infant schools, the financial conduct of 'a vast concern, and what not?—still a scholar under the severe 'teaching of hard facts, where the punishment of his errors 'cannot be condoned, but must be borne to the last particle.

'And now begin his errors. Success, and not self-education, 'had led to over-confidence in his own powers, and Nemesis 'was at hand. I see no difference of *principle* between his 'mistakes, and those of Napoleon. Each pushed his triumphs 'too far, and forgot that new conditions arise in every great 'extension of operations. 'M. D. HILL.'

To the Same.

'HEATH HOUSE, *May 8th*, 1860.

'To me, and doubtless to you, Owen's success at Lanark, 'so far from justifying his attempts to remodel society, points 'the other way. It was the triumph of an enlightened ap- 'plication of the principle of each man working for himself, 'and disposing at his pleasure of what he gains. He and his 'partners, and not he and his workpeople, were the proprietors 'of the mills. The workpeople were remunerated partly in 'wages (which were low), and partly in privileges, such as edu- 'cation for their children, &c.; and experience showed that these 'privileges, within certain limits of cost, might redound to the 'profit as well as to the liberality of the proprietors. That they 'were afterwards made more costly than was consistent with 'the average profits of trade, must be looked at in the nature 'of a donative by the proprietors; not imposed upon them 'either by the will of others, or by circumstances, but be- 'cause they derived gratification from such an expenditure 'greater than they would have derived from turtle and cham- 'pagne.

'Socialism was no element of the Lanark success. Lanark 'had not known it, and its adoption was coincident with Owen's 'decline and fall. . . Have not men of regular education com- 'mitted blunders as great as those of Owen? Is communism 'more absurd than—"The right divine of kings to govern '"wrong," so long taught at Oxford? Did not the regularly 'educated men stand before the Leaning Tower of Pisa, and 'after seeing with their own eyes the crucial experiment of 'Galileo on falling bodies, go away maintaining the old heresy 'that the velocity of the fall was in proportion to the weight 'of the falling body? Just read Locke's "Constitution for '"Carolina," and observe the follies of not only a regularly 'educated man, but of a man really great.

'Let me ask your attention to this view of the question,— 'May not the centre itself be out of place? And, if so, is it 'not the centralising tendency of regular education to create

'a body of men joining in a common error which derives 'immense power from its being possessed by a multitude?— '*Defendit numerus.*

'The last of your objections to which I have leisure to advert, 'is the evil tendency of the over-cultivation of certain facul- 'ties to the probable neglect of others. In what I have already 'said upon that point I have admitted, for the sake of argu- 'ment, that this tendency is injurious, and I have pointed out 'that self-education furnishes in many instances important 'correctives. But this admission cannot be made without 'serious qualifications. It is better that the blacksmith should 'have a strong arm, than that the same amount of muscular 'strength should be equally divided throughout his frame. 'So the letter-carrier should have strong legs and feet, &c., &c. 'And is not this true of the mental faculties? Suppose George 'Stephenson had had an education cultivating impartially all 'his faculties. Would he have had time to acquire that intimate 'and *painful* knowledge of the essentials of a railway, and the 'essentials of a locomotive engine, which enabled him by 'marrying the one to the other, to produce the noblest alliance 'the world has ever seen?

'Think over the debt of gratitude we owe to self-educated 'men in this country, and I am sure you will speak differently 'of self-education. . . . Education not self-conducted, falls into 'a groove which deadens the faculty of invention. I believe 'you will find that, while small improvements are usually made 'by those who know an art or science mainly by the teaching 'of others, the larger and bolder changes are usually made by 'those who are not enslaved by habits of thought impressed 'upon them by others. The power-loom was the invention of 'Dr. Cartwright, whom I knew; and who, I know, never saw 'a loom until he had made his invention, when he took a 'journey of fifty miles for the purpose. True, in languages 'and divinity he was a regularly educated man, but as to 'weaving he was self-educated, in a somewhat strict sense. 'John Palmer, and Rowland Hill, went strangers into the 'Post-Office. Blake was an Oxford scholar, and never had 'the command of a ship or, so far as we know, went to sea

'at all, until he was approaching his fiftieth year; and yet, until 'the days of Nelson, he was, beyond all doubt, the greatest of 'English admirals.

'There are avocations, I grant, for which an equal cultivation 'of all the faculties of body and mind, afford the best preparation. 'A Cabinet Minister's may, for all I am disposed to maintain to 'the contrary, be one of these—it having been well said that a 'Prime Minister should be a man of common opinions, but un-'common talents; and certainly I know nothing so likely to 'keep a man of talent within the fence of common opinions, as 'a boyhood at a public school, and an early manhood at one of 'our universities.

'M. D. HILL.'

From Professor Craik.

'BELFAST, *Aug.* 30*th*, 1860.

'. . . I took your advice, and called on Lord Brougham. He 'gave me a most cordial reception—and when I told him I had 'been sitting with you on the bench of your Bristol Themis, and 'had heard you pronouncing the laws which at another bar you 'had so often wrenched—is not that how it runs?—all the old 'wild life flashed up in him at once. But, in general, he is 'sobered down, as is fit. It was on Saturday—and next day he 'drove me with him to the Temple Church, and very interesting 'and touching it was to see the simple, unexaggerated way in 'which he took in all—the gaze of the whole congregation 'following the famous old man as we walked up together to the 'Benchers' pew. I was very glad to have gone through this—'we may never meet again. And yet he looks as if he might 'hold on for many years yet!

'You, I see, go on blazing away as usual, in a way that is 'quite astonishing. All thanks to whoever sent it, for the 'Bristol paper that came to me yesterday, with your fine martial 'declaration at the Volunteer Dinner, and also another Bankruptcy 'judgment.

'GEO. L. CRAIK.'

A subject which had attained lamentable importance from a popularity little creditable to English common sense, is put forward by Mr. Hill as a topic it might be useful to Lord Brougham to deal with in his Social Science Address at Glasgow.

To Lord Brougham.

'*July 30th*, 1860.

'The spirit-rapping folly would give an admirable opportunity 'for laying down the laws of evidence, which no man alive could 'do so well as yourself. You would, perhaps, call the attention 'both of believers and sceptics, to the expediency of confining 'their attention to the proof and disproof of the manifestations, 'irrespective of the supposed causes of such manifestations— 'leaving speculation upon that subject to await the establish- 'ment of the truth of the manifestations themselves. You 'would perhaps call attention to the progress of real Science, 'which arrives at wonderful results only by slow and single 'steps. What an interval of ages between Theophrastus and Otto 'Guericke! Then an interval of years between him and Franklin, 'and again another interval between Franklin and Volta; and 'again another between the latter and the inventors of the Elec- 'tric Telegraph! Not only is progress gradual, but each step is 'explained, and when explained can be repeated by any in- 'telligent person; while in mesmerism, table-turning, spirit- 'rapping, all at once it rains miracles—those who perform them 'being unable to tell the why and the wherefore, or to enable 'others to follow in their steps! Nor do they do anything 'towards ascertaining the necessary conditions of successful 'miracle-mongering. Darkness, mental and physical, seems to 'be essential. And, if you observe, all failures are explained away; 'showing that the principles of their proceedings—if the word 'principle may be so prostituted—are mere masses of wax. 'May not this dogma be fairly laid down,—That where the 'proof of falsity is resisted or evaded by such a multiplicity of 'explanations, as that one is found for every failure, it follows 'that there can be no proof of the truth or genuineness of the 'phenomena, because no test of truth?

'. . . Doubtless these delusions of the high and the low, I 'mean false political economy, and the spirit-rapping superstition, 'are mournful and discouraging to those who, like yourself, have 'laboured for the public enlightenment. Nevertheless, there are 'sources of consolation. The working-men, although they have 'failed to ascertain the nature of the disease, adopt remedies 'which, to say the least, are harmless; thereby showing their ad-'vance in toleration. And with regard to spirit-rappers, they 'neither show a persecuting spirit, nor do the sceptics, *i.e.* the 'world at large, evince any desire to burn them for witchcraft. 'Thus error becomes innocent, at least to a very great degree. 'The controversies have fair play; and truth, which always pre-'vails in the end, will thereby prevail at an earlier period than if 'persecution were resorted to on either side.

'There is a curious article in the *Cornhill Magazine* for August, '(just published by anticipation) which is a spirit-rapping narra-'tive, written by a superior man, beyond all doubt. It is the 'work of a believer—to the extent of believing in the reality or 'genuineness of the manifestations of which he speaks. There is 'another article in a very late number of *All the Year Round*, 'which, as far as I may judge from an extract, goes over much 'the same ground as that taken in the *Cornhill Magazine*, and 'finds the whole concern a piece of jugglery. It is possible that 'the two writers were together at the same *séance*.

'M. D. HILL.'

CHAPTER XX.

CO-OPERATION.

Co-operation—Its Origin—*English Gilds*—Robert Owen—Socialism—Impracticable Schemes—Their Failure—Old Union Mill—Strand Debating Club—Dr. King of Brighton—Co-operative Congresses—*Labour and Capital*—Employers and Employed—Difference between Middle and Lower Classes—John Plummer—Hours of Labour—Strikes—Rochdale Equitable Pioneers—Distributive and Productive Co-operation—Tally Trade—Just Division of Profits—*Esprit de Corps*—Early Co-operators—Cotton Famine—Co-operation Withstands the Strain—Co-operative Agriculture—Mr. Pare—Ralahine—Assington—Mr. Gurdon—Trades Unions—Mr. Hill an Arbitrator—Co-operative Wholesale Societies—Co-operation Fails Only When not Co-operative Enough—Central Co-operative Board—Mr. E. Vansittart Neale—General Results.

THE past half-century has witnessed the growth—intermittent indeed, and for a time absolutely stopped, but starting afresh with increased vigour—of a system which offers the most hopeful issue from the thickening combat between capitalist and wage-earner, now menacing the industrial supremacy of England. That system is Co-operation. Some of its features may be traced in the early guilds of this country. These associations, says their able historian, 'set up something higher than personal gain 'as the main object of men living in towns;' and made 'the 'teaching of love to one's neighbour be not coldly accepted as 'a hollow dogma of morality, but known and felt as a habit of 'life—'[1] a beneficial effect limited however to members.

The guilds were almost invariably formed both of men and of women who shared equally the advantages and responsibility of membership. In this respect, as well as in combining the principle of self-help with that of mutual obligation, the

[1] *English Gilds*; from original MSS. Edited by Toulmin Smith. Introduction and Glossary by Lucy Toulmin Smith. Trübner and Co., 1870.

resemblance is close between the ancient and the modern institution. Co-operation, says Mr. Holyoake, introduces 'the 'principle of common interests instead of competition of inte- 'rests.' He defines it to be 'the concert of many for compassing 'advantages impossible to be reached by one, in order that the 'gain made may be fairly shared by all concerned in its attain- 'ment.'[1] In the words 'fairly shared' will be found the distinction between *co-operation*, which accurately awards to each associate his proportion of results, and *communism*, which demands that all shall share alike. Such doubtless is the true theory of co-operation in its moral aspect; but the practical element essential to material success is, equally beyond doubt, the superadded ready-money principle. Where this is strictly abided by alike in buying and selling, and care is taken to supply good articles, large gains are almost certain, and loss is nearly impossible.

Co-operation which, in its highest development, turns grudging toil into cheerful industry, relieves the worker from the tyranny of the employer and no less, be it remembered, the employer from the tyranny of the worker, probably derived its first impetus from Robert Owen. For although known as the apostle of socialism—a scheme which, in hands less unselfish than his is sure to degenerate into communism—Owen by much that he said in its advocacy, as well as by much that he did at New Lanark, undoubtedly started many of his disciples on the way to Co-operation. It was indeed under this very name that the *Economist*, established by him in 1821, set forth during its year of existence his "new system of society." His enthusiasm, united to a spotless character and most loveable nature, kept the doctrines he taught in favour with the public for many years, and won him adherents from the highest as well as the humblest ranks. His hearers rushed to reduce his theory to practice, and "co-operative societies," as they were called, sprang up in all parts of the country. The ultimate object of most

[1] *History of Co-operation in England.* Vol. I. Trübner, 1875; and "The New Principle of Industry" in the *Nineteenth Century* for September, 1878, to both of which the present writers are indebted for much information. In citing the latter, however, they feel constrained to remark that the reference it contains to M. Demetz and to Mettray, might be entirely misapprehended by those ignorant of the history of that institution.

of these, however, was "community in land." Stores were established simply to obtain funds for disseminating information and then purchasing land. Some communistic settlements were founded, but have long since died away; while several of the stores, regarded only as ancillary to them, continued to flourish, and it is believed suggested the type of Co-operation to which the men of Rochdale gave safety and permanence. But Owen came to regard these humble enterprises with contempt when his views extended until schemes, impracticable from their very vastness, were alone deemed by him worthy of his attention.

Meanwhile a crowd of periodicals succeeded the *Economist*, some practical enough in their views, others stuffed with plans so grotesque that it is impossible not to suspect they were devised to bring ridicule on the movement they travestied; and a crowd of theorists rose in Owen's footsteps, each riding madly his own hobby-horse. Still, mingled with these were men and women who could discriminate between the sound an the unsound in the doctrine set before them; and individuals were found among them who sacrificed all they possessed in their endeavours to secure what they believed would prove a key to the moral and material well-being of working people, and through them of the community generally. Their names may be forgotten, but they were true martyrs in a worthy cause. They carried on the torch, and preserved it alight above the waves of political and religious controversy through which they had to struggle, until it should reach the hands of men capable of applying it aright.

The Old Union Mill at Birmingham, established towards the end of the last century, was familiar in its working and results to Mr. Hill as a youth. In a letter to Dr. J. A. Langford, the author of a work which greatly interested him, *A Century of Birmingham Life*, he gives some particulars of the concern. It had been founded, when war prices reigned, to supply bread to the poor at the lowest practicable cost. This was accomplished by bringing Co-operation to bear, although the founders were unconscious that they were acting upon that principle. It is not improbable that the remarkable success of the undertaking, both pecuniarily and in supplying a genuine article to its customers,

gave Mr. Hill an early bias towards Co-operation. If so, the subject had enlisted his sympathy long before the year 1827, when he advocated it at a debating society of that day, known as the Strand Club. Mr. Robert Dale Owen, in *Threading my Way*, speaks of an 'admirable and thoroughly practical 'speech' in favour of Co-operation, which he heard him deliver on that occasion. 'No allusion,' says the author, 'was made to 'my father, nor to any of his peculiar opinions on theology or 'ethics; and, young as I was, I saw how wisely Mr. Hill managed 'his case; refraining from mixing up a great industrial question 'with any extraneous matter; thus evading prejudices, and 'evoking a decision on the simple issue he presented.'

There is reason to believe that in the same year Mr. Hill proposed to the Useful Knowledge Society the publication of a Treatise on Co-operation, by Dr. King of Brighton, an earnest worker in the cause there, and editor of a little paper, the *Co-operator*, which promoted its adoption elsewhere. The motion, however, if made, was lost. It is not improbable that the rules of the Society against the introduction of religious or political subjects, may have been interpreted by some of the members as prohibitory of Co-operation, for though in reality distinct from either, injudicious supporters had contrived to mix it up with both.

A Society for the Promotion of Co-operative Knowledge was formed in 1829, and in the same year was founded a "British "Association," with the like purpose, long before it had occurred to the *savants* to take similar means for the advancement of their object. In 1830 was held the first of a series of Co-operative Congresses. Three hundred societies then existed in the Kingdom, numbering twenty thousand members. In the same year the tone of an article in the high-Tory organ, *Blackwood*, which in words of calm and wise warning suggests what might be the ultimate consequences of the movement, shows the estimation, whether for good or evil, to which it had risen among politicians. In 1835, the Co-operative Congresses merged in annual gatherings to promote Socialism, and for several years the practical features of Co-operation were obscured.

Faith in its power to achieve more in raising the working-

classes to comfort than any other social lever yet discovered, Mr. Hill never lost; but the perverted forms under which for many years this grand principle was advocated—now tainted with communism, now burdened with some impracticable condition—disheartened him as to its successful application until those upon whom it must devolve to carry it into effect should have greatly advanced in a knowledge of political and social economy.

Early in 1854, a book appeared which excited his deep interest. It was by the son of his friend, Mr. James Morrison (himself an early supporter of Co-operation), and dealt with the present and future state of the working-classes.[1] 'The questions,' wrote Mr. Hill to Lord Brougham, 'are most ably argued, with a leaning '(*mirabile dictu*) towards the democratic side, but still with 'sobriety and discrimination. It is a work of the highest 'merit.' Reviewing it in the *Spectator*, he wrote: 'The author's 'mind has moved onwards until it has descried a pass out 'of the gloomy vale to which political economy at first sight 'appears to have consigned the multitude. But he never 'permits his philanthropy to get the better of his judgment. 'He neither diminishes nor conceals any part of the *fiat* which 'calls upon the masses in every age, and will continue to call 'upon them, for the exercise of self-government both active and 'passive—for labour and economy—for labour frequently passing 'beyond the limits of pleasurable action, and for economy im-'posing for a time absolute restraint on passions to which the 'world of life from man to the reptile owes its perpetuation.

'. . . The broad lesson which Mr. Morrison teaches is, that 'while the rich must do all that they can by way of example, 'instruction, sympathy, and encouragement, yet the result of the 'enterprise'—whereby the masses are to be brought into a better position—'will essentially depend on themselves. Mr. Morrison 'is favourable to limited partnerships and to co-operation; 'although he fears the difficulties attendant on both systems, 'and the high qualifications required in all engaged in them to 'command success, will long make them comparatively inefficient 'instruments of progress.'[2]

[1] *Labour and Capital*, by Charles Morrison. Longmans, 1854.
[2] *Spectator*, September 2nd, 1854.

To Mr. Charles Morrison.

'HEATH HOUSE, *May 7th*, 1854.

'. . . That the relations between employers and employed, 'head and hands, must be framed in accordance with the 'principles which you lay down, cannot be doubted. Any other 'principles would lead to a disruption of the connection by one 'side or the other, as the interests of one side or the other were 'made to preponderate. The consequences would be ruin to the 'labouring-class, with deep injury, followed by migration, on the 'part of capitalists. But while every part of the machine must 'observe the same proportions, and act in the same order as at 'present, yet an addition may be made which shall resemble the 'oil applied to every bearing which would otherwise produce 'friction, to be followed by a loss of power, and by dissonant 'grating. In other words, the relation must have in it nothing 'repugnant to the severest principles of enlightened political 'economy. But once being firmly established on these principles, 'feelings of kindness and mutual attachment may be superin-'duced; in all those instances at least, in which the numbers are 'sufficiently large to justify expensive measures for the welfare 'of the working-class—expensive, I mean, as an aggregate, but 'cheap, when considered in reference to the advantage which 'each of the class will derive from them.' [Mr. Morrison in answer expressed almost entire concurrence with this view. He regarded his essay as incomplete. Circumstances had permitted him only to indicate, not to develope, the doctrine set forth by Mr. Hill.] 'Speaking from the recollections 'of many years ago, I should say that your own establish-'ment at Fore Street, [the firm of Morrison, Dillon, & Co.] 'was an example of what I mean. That of the Ransoms 'at Ipswich, of Salt at Saltaire, of the Marshalls at Leeds, of the 'Chances at Smethwick, of Winfield at Birmingham, furnish 'instances, some more, some less, complete. Here then, if I am 'right, is a function for the employer at once disclosed, which 'casts upon him a solemn duty and a most enviable privilege. 'Many benevolent employers have, I believe, been discour-'aged by finding that well-treated working-men have not been

'prevented by the kindness which they have received from join-
'ing the ranks of the strikers. But because a principle may be
'overpowered by force or temptation, it is unreasonable to deny
'either its existence or its strength. What we want is not a
'few such establishments *rari nantes in gurgite vasto*, like the
'ships of Æneas after the storm, but a good fleet, each vessel
'giving aid to the others against the common enemy.

'With regard to teaching the great truths of political economy
'to the working-classes, are you aware that much has been done
'towards establishing the practicability of such a project, by the
'labours and the munificence of Mr. William Ellis?[1] He has
'given abundantly of his means towards the establishment of
'schools for the working-classes, and has taught in them very
'sound doctrines, as I can testify, having once examined a class.
'I found it thoroughly imbued with right principles on the
'subject of wages, being altogether disabused of the fallacy that
'any arbitrary power lay with the masters, or could be ever
'attained by the working-man.'

'M. D. HILL.'

The former indifference of the upper classes Mr. Hill had seen replaced by an earnest desire to do their part,—a turn in the tide, however, not free from danger to the lower. In these he grieved to perceive (and he is found warning them against fostering) a disposition to rely upon those above them, in circumstances where self-help should be their dependence. Other signs of indifference to taking an independent position he witnessed with concern. 'One point with reference to the 'upper section of the labouring-classes,' he tells Lord Brougham, 'has long occupied my mind, though with little profit either to 'myself or anybody else. It is this. Whether the true test 'of any class being, or not being, fit to take its place among 'the governing classes of the country is not its interest and 'activity in conducting all such public business as it can carry

[1] 'Mr. Ellis it is impossible to name,' said Lord Brougham at the Bradford Meeting of the Social Science Association, 'without expressing a doubt whether 'the soundness of his views, or his noble generosity in promoting the great work 'of popular education, is most to be admired.' Mr. Ellis had shared the co-operative movement in its early days by taking part in a Co-operative Book Society.

'on without express authority from the law to interpose in 'it, *e.g.*, Are the humbler classes hearty in founding societies 'for mutual improvement, libraries, schools, &c.? Do they 'combine to obtain sanitary improvements where individual 'exertion does not suffice? Where a low franchise is already 'established does it work well or ill, as in elections to Municipal 'Councils, Boards of Health, Boards of Guardians, &c.? The 'answer to each and all these questions is, according to my 'experience, discouraging as regards any immediate devolution 'of governing power, either elective or otherwise, on the working-'classes. Indifference, improvidence, and sensuality are the 'great impediments. I believe they are all melting away, but 'very slowly; and now and then the mass freezes anew, so that 'its permanent progress is tardy indeed. The difference between 'the middle classes and those below them in this country, 'consists mainly, as I think, in the capacity of the one for com-'bination to good purpose in carrying on public business (by 'which I mean any business demanding the tolerably harmonious 'action of numbers), and the incapacity of the other.'

Still he watched for indications of self-reliance and the power of united effort for the common good, and was ready to proffer his assistance whenever these should come under his notice. With peculiar pleasure he recognised in a writer sprung from the industrial class (to whom the next letter is addressed) an able expositor of the principles upon which its true welfare rests.

To Mr. John Plummer.

'HEATH HOUSE, *Jan. 29th*, 1860.

'I thank you heartily for the kind present of your valuable 'tracts. . . . Are not the hours of labour in many trades too 'long for the interests of both employer and employed? For 'instance, in the building trade, would not as much work be 'done in nine hours as in ten? Or—to generalise the question '—is not the *minimum* of profitable employment, in point of 'duration, as a rule exceeded in every trade? The hours of labour 'at Birmingham have been materially shortened, say from one 'to two hours *per diem*; and I believe that the abbreviation has

'not diminished the *quantum* of the product, while it must have 'had a tendency to heighten its value. The poor misguided 'leaders and victims of the late strikes [in the building trades of 'the metropolis] could not have mooted this question even if they 'had appreciated its importance, because their professed object 'was to diminish the *quantum* of labour performed by operatives 'in employment, so as to create a demand for the labour of those 'who were then unemployed. It is, however, the duty of all 'enlightened men, especially of such as, like yourself, belong to 'the order whose welfare is under consideration, to look, not at 'the questions alone which are raised by the advocates on the 'one side or on the other, but also to the questions which require 'to be raised to arrive at a just and comprehensive result.'

The readers of *Rocks Ahead* will remember that its author discusses this question when the experience of several years has thrown additional light upon it; and that he arrives at a different conclusion from Mr. Hill. Mr. Grey frankly admits, however, that this conclusion is to some extent at variance with the opinion of so high an authority as Mr. Thomas Brassey.

That a limit does exist (varying with the occupation and the individual) to the number of hours which can be profitably spent in toil, will not be contested, except by those who believe in the alleged economy of such slaveholders as "use up" their hands instead of prolonging their working power. In former years this limit was probably greatly exceeded in industrial occupations generally; at the present day the tendency seems to be to fall below it. But that it should be ascertained, and distinctly recognised in all regulations concerning labour is not only essential to maintaining the high quality of the product of that labour, but is of literally vital importance to the well-being of the labourer, as affecting health, and duration of life—these being also, it must be remembered, elements of labour-power. In considering the number of hours in which *brain*-toil can be advantageously pursued, still more that compound-toil exhausting both brain and body, such as the responsible posts on railways and steam-vessels entail, a question even harder to deal with is encountered. But it is one which, involving the safety of thousands besides the toilers themselves,

demands to be accurately investigated that a wise decision may be arrived at, and enforced.

Mr. Hill in his letter to Mr. Plummer, goes on to touch upon the decrease in the demand for skilled labour resulting from the employment of new machinery. 'If,' he says, 'this fact were 'true in a permanent and enlarged sense, could we either wonder 'or complain that operatives should dread and oppose the pro- 'gress of invention in its application to machinery, or indeed to 'any subject whereby the labour of man may be dispensed with? 'It is sad that temporary suffering should be caused by the 'diminution of particular kinds of labour, and we must expect 'that individual sufferers will not readily be consoled by learn- 'ing that the loss to them will be the cause of great gain 'to others of their order, even though such gain far more 'than outweigh their own loss. But assuredly you are right 'when you state that every improvement whereby cost of 'production is lessened has led eventually, though not always 'immediately, to an extended demand for human labour. 'When the *whole* truth is told, the value of the only efficient 'remedies will be the better appreciated. Those are strict eco- 'nomy, more especially as regards drink, whereby the operative 'may have the means of subsistence without labour for a time, 'until the *good* effects of a change are developed. Next, the 'faculty in the workman to change his habits of labour, so as 'to be able to apply it to the new conditions. At Birmingham, 'where we have no staple trade, we know all this practi- 'cally. . . The blessed consequence is that we scarcely know of 'strikes, and that there is but little destitution occasioned by 'want of demand for the labour of our artizans.

'M. D. HILL.'

To another correspondent, a large employer of labour, and one whose care for his workpeople is exemplary, Mr. Hill wrote soon afterwards—'Strikes, like wars, are deplorable, but perhaps like 'wars, in the present state of the world, they are inevitable. Both 'masters and men, as bodies, require to be enlightened before 'strikes will become impossibilities; at least so I fear. Suc- 'cessful strikes keep the epidemic alive. Had there been

'no such employers as those who create them by under-'payment of wages, I think *you* would have heard nothing of 'discontent.'

To equalise the bargaining power between a master and his workpeople, he held that organisation among the latter might be necessary. And if the strike be justifiable, so must the lock-out be. But he foresaw the mischievous and oppressive results inseparable from the hostile combination of associated masters, and of associated bodies of workpeople. Yet, though strongly inclined to the opinion that the true interests of employers and employed are as a rule best consulted by leaving prices to the "higgling of the market," he was unable to arrive at the conclusion that this is, at all times and under all circumstances, the best mode of settlement.

With his mind thus turned to the growing complications multiplying round capital and labour, and anxiously watching for a 'disentangling' which should involve 'no breaking of the thread,' an article by Mr. Percy Greg in *Fraser's Magazine* for June, 1860, drew his attention to the "Equitable Pioneers" of Rochdale.[1] In their success lay, surely, the long-looked for opening of a new era for the working-classes, if only that success were based on a sure foundation! Scarcely daring to hope that it would prove so, he gave his first leisure to its investigation. Perhaps no event in his later life afforded him deeper gratification than this visit to Rochdale. Seeking no individual aggrandisement, which their natural gifts, if devoted to selfish ends, might have secured, the task the Pioneers had set before themselves was to raise the whole class to which they belonged. A few flannel-weavers joining together in 1844, clubbed their small resources. 'After three months of domestic privation engrafted on 'their ordinary life of penury,' wrote Mr. Hill when describing

[1] Papers on the same subject he afterwards learned had recently appeared in *Chambers' Journal*. An article in the *Quarterly Review* for January 1864 brings the narrative of Co-operation in England and in France down to that date. But Co-operation, from the date of the *Economist* of 1821, has had a literature of its own. The *Co-operator*, begun in 1860, and the *Co-operative News* in 1869, are among its leading serials. In the *Cornhill Magazine* for July 1873 "The Story "of the Civil Service Supply Association" relates the rise and progress of the first of the Supply Associations, in establishing which the middle classes have availed themselves of the example set at Rochdale.

their early efforts, 'their savings amounted to only twenty-eight 'pounds. With this sorry capital they fitted up a room among the 'dwellings of the poor, in an obscure quarter, which they have 'made famous throughout the world. The uninviting name is '"Toad Lane." To their little shop in this street they brought 'a scanty supply of groceries. Unable to afford hired assist-'ance, they acted as their own shopmen; and, in order to render 'such an arrangement possible, they resolved to do business at 'the store only after the hours of labour. The opening night, 'which had been duly announced, at length arrived; and the 'Pioneers were preparing to take down the shutters, when they 'became conscious that a large crowd had gathered outside, 'whence came contemptuous words, mingled with shouts of 'scoffing laughter. For some minutes they stood mortified and 'discouraged. What! Were they objects of derision to their 'fellow-sufferers—to the very class to be benefited by the suc-'cess of their enterprise, if successful it were destined to be! 'But their zeal and resolution carried them onwards; and the 'ignorant were not permitted to blight the best hope of alle-'viating their own lot ever held up to them.'

When he had acquainted himself with every detail of their enterprise his brightest hopes were confirmed. More than thirty years before, Brougham had said that Co-operation to succeed must be begun by "picked men," and picked men emphatically the Pioneers were. To watch and, wherever feasible, to aid its development became thenceforward an object with Mr. Hill second only, if second at all, to the improvement of criminal discipline. It largely occupied his subsequent correspondence; time and labour he gave to it without stint; while to the close of life no literature had a deeper interest for him than the unpretending reports and plain financial statements of the Equitable Pioneers, and of the Societies which followed in their footsteps.

Co-operative Societies are mainly of two kinds. The one has for its immediate object to expend the income of each member to the best advantage for himself; the other to enable him to obtain the largest return for his capital and industry.[1] The Pioneers beginning in 1844 with the first, which simply dis-

[1] A third form exists in Co-operative Banking, but this has not yet reached much development in this country.

tributes, grafted upon it an admirable expedient for attracting customers and inducing them to become shareholders. The same method had been adopted by a Scotch Society at Orbiston in the early days of Co-operation, but had been forgotten, and was reinvented by Mr. Charles Howarth, one of the original Pioneers. It may be briefly described thus:—Purchasers buy at the Store at the prices current in the town (all dealings being, of course, for ready money), and on payment receive a token indicating the amount expended. At the end of each quarter the books are balanced, and the net profit (after charging cost of goods, working expenses, interest on capital, depreciation, a contribution to the educational department, and some minor items), is divided among the customers in proportion to their respective purchases, as shown by their tokens. This dividend often exceeds two shillings in the pound. It is rarely difficult to persuade the recipient to leave his dividends (which seem to come to him as a pure gift) in the Society's hands; and their accretion, in due time, constitutes him a member, while augmenting the capital of the Society. Thus accumulating wealth, the Pioneers were, in 1850, able to enter upon the second, or productive, phase of co-operative action, when they opened their Corn-mill, followed, in 1855, by a mill for weaving calico. The experience that had yet been obtained in manufacturing co-operation, at the time of his visit to Rochdale, Mr. Hill esteemed inadequate to found an opinion upon. But he saw reasonable hope of a permanent prosperity being attained, while, if the concerns be conducted on strictly ready-money principles, there can be, he pointed out, no loss, even if they have to be abandoned.

An incidental but extremely important benefit attaching to Co-operative Societies of both kinds, lies in the motive they afford to give up the use of intoxicating drinks and tobacco. Such self-denial is induced in two ways—by the need for the ready-money which must be paid for all purchases, and by the profitable employment of savings afforded. 'A working man, out 'of debt,' remarks Mr. Hill, 'acquiring capital, however slowly, 'and abstaining from stimulants, is on the road to happiness; 'and with a prospect of attaining it as bright as is vouchsafed 'to any citizen of the State, even the highest in the land.' This passage is quoted from Notes sent immediately after his

visit to Rochdale, to Lord Brougham, when suggesting Co-operation to him as a topic for his Social Science Address at Glasgow. Comparing Co-operation with such enlightened management by employers of labour, as that of Robert Owen at New Lanark, Mr. Hill says:—'What Owen and his partners did was 'voluntarily to give up a portion of their profits for the benefit 'of their people. They applied these sums to purposes chiefly 'connected with education, and thus insured a wise expenditure 'of their bounty; whereas if they had handed them over in 'specie to the people, they might have found their way to the 'dram-shop. The concern was partly recouped by the attach-'ment thus created between employers and employed; the better 'education of the latter, too, made them more skilful.' He quotes Lowell in Massachusetts, as yielding a further illustration.

'The defects,' he continues, 'of the arrangement are that all 'power remains with the master. He may be an enlightened 'and benevolent despot to-day, but may be gone to-morrow, and 'may be replaced by a narrow-minded or sordid despot, or both. 'Still this state of things leads up to Co-operation. It shows 'that the relation between master and workman may be im-'proved by superinducing something upon the contract which 'does not necessarily grow out of it. Co-operation analyzes this 'new state of things, and discovers that the principle lies here:— 'The common hirer of labour and the common labourer exclude 'from their attention, on establishing the relation between them-'selves, everything but money and labour; so that the moral 'qualities of both parties to the contract lie as it were dormant. 'Co-operation, finding that it is desirable to hire the moral 'qualities as well as the physical and intellectual ones, sees that 'if these qualities are to be bought, they ought to be paid for. 'It sees, too, that the employer can afford to pay something 'for them; and also that not only is the man worth more to the 'master than before, but that the master is worth more to 'the man than before. But how to adjust all these multifarious 'and delicate claims of master on man, and man on master? 'Co-operation says—"By union—let master eat up man, as '"those strange creatures do in Dante, and thus produce a new '"animal compounded of the two."

'Thus many of the difficulties regarding appropriation will be 'at an end, though some will remain. Yet the two classes will 'find matters so nearly adjusted, that the interval is not wider 'than will be readily closed up by good feeling; especially by 'the desire for equality very strong among comrades. This, as 'we see in strikes, urges the better workman to take the part 'of the inferior man, and even to claim from the employer equal 'wages for him as for himself; *i.e.* he is most earnest, and some-'times most ferocious, in demanding to be treated with injustice.

'This is my notion of what is the pith of Co-operation:— 'Thomas and Sarah are haggling vehemently over a bargain for 'houses, lands, or goods. They cannot settle the matter, which 'drags on for months or years. But a bright idea strikes Thomas '—he marries Sarah, and difficulties adjust themselves, or rather 'retire from existence.'

Another view of the interdependence of labour and capital Mr. Hill presents in a letter to the *Co-operator* for August, 1863. This he had been asked to write by the anonymous author of a projected serial—*Highways and Byeways of the Travelling Drapers of England*—who believed the evils he proposed to lay bare might be removed by Co-operation, an opinion wherein Mr. Hill largely concurred.[1] 'With my know-'ledge of the tally-trade,' says Mr. Hill, 'gained by my official 'experience, I can have no hesitation in pronouncing the 'author's enterprise to be one likely, if well-conducted, to effect 'great good. But let him avoid the sin of flattery. To some 'extent he seems to fall into the old fallacy of thinking the 'working-classes everything, and the other classes nothing— 'I mean for the production of wealth. Against this error I have 'always set my face, and shall continue to do so during the re-'mainder of my life. First, because it *is* an error, and all error 'is pernicious; but secondly, because it is an error far more 'injurious to the working-classes themselves than to those 'against whom it is directed . . . To deny that others than 'working-men are essential to the production of wealth, is to

[1] The author estimates the number of these travelling drapers or hawkers, otherwise known as tallymen, at twelve thousand, and their annual takings at 5,000,000*l*.

'lead this invaluable class to entertain feelings of hostility tending to that separation of the various orders of the community from each other, which is at the bottom of many evils affecting, in some degree, all ranks, but falling with peculiar weight on the operative.'

The tallyman's trade was, in the author's estimation, a huge fraud, extracting the whole sum received from the pockets of the working-classes, without any valuable return. But Mr. Hill shows that there is often a dishonest indifference to payment on the part of the purchaser, and that, occasionally, the goods are even taken to be immediately pawned. 'The source of the evil,' he points out, 'lies in the transactions not being for ready money.[1] And its cure must be sought, first in convincing the working-classes that even without fraud or overreaching on the part of the seller, to live upon credit is ruinous, and will debar them from all hope of rising in the world, or even of forming a decent provision for sickness and old age. And next, it must be proved to them that the difficulties of rigidly stinting themselves to purchase with ready money, are by no means so great as bad habits and bad example may have led a large proportion of them to believe . . . That the credit system bears with severity upon the purchaser, is an evil inherent in credit itself, and belongs to it even when the creditor is the most honest of traders. For when he parts with his goods, he incurs the risk of never being paid for them—as too often happens. Now, unless he is to be ruined, he must regulate his price accordingly, and thus make his customers who *do* pay him, pay also for the defaulters. Hard, indeed, this is on the honest buyer; but credit must come to an end before this infliction can be spared. Again, the creditor must, even in the case of the paying customer, be remunerated for his capital lying dead during the time over which the credit runs.'

[1] Asking Mr. Hill's opinion of the Bill for Abolishing Imprisonment for Debt, before Parliament in 1864, Lord Brougham says:—'I don't at all go upon St. Leonards' notion of its destroying the poor man's credit, which he says is his capital. It is his *curse*; and the best that can be said for the provision is that it would diminish his chances of credit. . . . The amount of the debts under 20*l.* paid from the County Courts is enormous. Of the nine hundred thousand plaints full eight hundred thousand are for these debts.'

The just division of the profits of co-operative manufacture is a delicate problem, very difficult, if not absolutely impossible to solve with perfect accuracy. The gains depend on elements far more numerous and variable than those which constitute the ordinary wage-earning power. The claims of workers and capitalists which have to be adjusted are extremely intricate, both often existing in the same individual. The value of each man's work is dependent not only upon his skill and industry, but upon the greater or less interest he feels in the concern; while the recompense due to capital (in addition to payment for its use) for the risk it incurs in being embarked in any particular trade, —always more or less an unknown quantity—further makes a considerable margin of uncertainty unavoidable in a fair allotment of profit.[1]

In a paper, entitled "The Equitable Division of Emoluments "in Co-operative Societies," contributed to the *Co-operator* for January, 1864, Mr. Hill traced this subject with great discrimination, and largeness of view. He regarded the problem as capable at present of being only approximately solved, and even such approximate solution as in great measure empirical. But in the desire for the benefit of all which is a distinguishing feature of Co-operation—in the association of the mere handworker with the partner which it encourages—in the insight into the rights of capitalist and worker which a share in the conduct of co-operative enterprises affords—and in the fusion of the interests of both parties, he believed lay the means for a satisfactory solution. To promote and complete that fusion, he urged that the union of worker and capitalist in the same individual should become as nearly as possible universal, even to the extent of paying off the capitalist who had ceased to be a worker, and

[1] In "The New Principle of Industry," Mr. Holyoake regards the capitalist's claim as of easy settlement. He maintains that the interest of capital is simply a cost in production, to be paid before profits are counted. The hire of capital estimated (according to the risks of the business in which it is to be embarked), at its value in the money-market, must come, like other expenses, out of gross earnings; the surplus constitutes the profit, to be divided upon the labour according to its value. 'When capital is in its proper place,' he says, 'there will 'be no more discontent, no more conflicts of industry. In competition capital 'buys labour In co-operation labour buys capital; the whole distinction of 'principle lies there.'

of withholding from the mere worker the payment of his share of profits (beyond wages), until the accumulated amount should constitute him a member of the concern. Then, partly guided by market prices, and sedulously avoiding matters of controversy, a division may be made sufficiently accurate to convince each member of the desire to do him full justice, and that a failure to arrive at exact results involves no cause of reproach in any quarter, but is a defect inherent in the nature of the task. 'The principle called *esprit de corps* will of itself,' he maintains, 'float the concern over many a shallow; though, now and then, 'exigencies will arise which can only be met through the exer-'tions of volunteers. On former occasions,' he says, 'I have cited 'the example of Abraham Greenwood [of Rochdale], who, finding 'the Corn Mill Society plunged into difficulties by the unfaithful 'conduct of their agent, mastered all the knowledge necessary 'to carry on the concern, reinstated its finances, and launched it 'forth in a course of prosperity which has never slackened. The 'sacrifices to which this excellent man submitted from no motive 'save public spirit, were such as no mere personal interest could 'have induced him to make. Engaged by day in the humble, 'but engrossing occupation of a wool-sorter, he gave up his 'nights to labour on behalf of the Society; and before his efforts 'were fully crowned with success, his health had been seriously 'injured. Having completed his conquest, he went back to 'obscurity. When I saw him some time afterwards, I found 'him still a wool-sorter, and he appeared to be wholly uncon-'scious that his achievement was deserving of notice. It is 'clear that in the mind of such a man the motives which 'prompt to self-advancement over the heads of equals have 'scarcely a place; and I am, therefore, justified in assuming, not 'only that *esprit de corps* was sufficient to call forth his highest 'energies, but that they could have been evolved in no other 'way. The history of co-operation would furnish a multitude 'of other instances illustrating the same principle, though 'perhaps not to the same degree.'

Recurring elsewhere to the question of so dividing gains as that no one shall have more and no one less than his deserts, he says, 'It may remain from age to age like that of squaring the

'circle, which we know can never be done so as to satisfy the 'theoretic exigencies of mathematical demonstration. But we 'also know that, for all practical purposes, the circle is every day 'squared without difficulty. There is abundance of generosity 'in the world, but we must wait for its spontaneous offerings 'and services, and not send the press-gang after it. What co-'operation gratefully accepts from such of its votaries as choose 'to give, socialism attempts to wrest from each of its disciples 'by command, and hence its failure. . . . It is the opportunity 'and encouragement for the exercise of kindness and self-'sacrifice, and the pressure—gentle though it be—called for by 'the necessity of the case, which I look upon as the great 'characteristics of Co-operation; distinguishing its requirements 'from the obligations and duties as they arise under our ordinary 'engagements by virtue of which we each obtain our income, 'whether as landlords or tenants, employers or servants, or in any 'other capacity. Let co-operators make the nearest approach they 'can to exact justice, and then trust to Christian charity, using 'the term in its best and largest sense, to supply deficiencies.'

The *Co-operator* for July, 1863, contains an interesting letter from Mr. Hill upon the question—then under hot discussion—of a "bonus" to the workers of co-operative mills. The importance of exciting a warm feeling of interest in all engaged in these concerns, he thus illustrates:—'Good old Major Cart-'wright, the reformer, served in his youth in the Royal Navy, 'which took him into various parts of the world, and among 'others into the Mediterranean Sea. When we were at war with 'the Turks, Greece being formerly part of Turkey, our cruisers 'had to give chase to Greek vessels, but they rarely if ever 'made a capture. Cartwright was curious to know the cause, 'and after observation and inquiry he attributed it to the fact 'that, according to the custom of the Greeks, every one of the 'crew from the captain to his cabin-boy, had a share in the 'vessel. So that you see the Brighton co-operators of 1827 'were not the first of your predecessors.'[1]

[1] An address on the "Advantage of Co-operative Communities" delivered at the London Mechanics' Institute by Robert Owen in 1825, led to the formation of several small co-operative societies in the county of Sussex, the first of which

The cotton famine severely tested the stability of Co-operation. It withstood the strain. Perhaps the greatest boon it conferred was the freedom from debt with which its adherents entered upon that season of terrible pressure. Again, while mill-owners as a class had been compelled to stop working, the Equitable Pioneers with their large accumulation of capital could afford to keep their mills open, and even on full time, although no new orders were coming in. Further, in consideration of the depressed state of trade which threw many of their associates out of work, they suspended fines for the non-payment of subscriptions required to purchase the minimum number of shares which constitutes membership. And here a delicate trait revealed itself characteristic of the spirit pervading the dealings of the Pioneers. The committee assumed, without asking for explanation, that the non-payment arose from inability owing to want of employment, and simply remitted all fines till trade should revive. But their liberality went far beyond the circle of their own constituents. They gave munificently to the General Relief Fund, and similar aid came from other co-operative associations.

The cotton trade began to rally in 1863. The Report of the Equitable Pioneers' Society for the last quarter of that year showed a steady increase in numbers and in business done. Its members approached four thousand. Its assets amounted to almost £45,000, while the cash received during the past three months for the sale of goods exceeded £42,000, affording a dividend of two shillings and sixpence in the pound on purchases. The Corn Mill Society was little behind the parent association.

appears to have arisen at Brighton, in 1827. As is the case in co-operative associations of the present day, both sexes were represented in the members, who enjoyed equal rights. The primary object of this Society (which may be taken as a type of the numerous associations formed at that time), was to diffuse a knowledge of co-operative principles, and a Store was started the profits of which were to supply the necessary funds. Soon it resolved to form itself into a community, and in preparation rented some land which its members cultivated. The Society flourished as long as it abided by the ready-money principle; but the extension of its original scheme induced a departure from this course, and it did not long survive. Lady Noel Byron, who at that time was aiding co-operative societies in different parts of the country, took a deep interest in it, attending its meetings and assisting it in a season of difficulty with a loan, which it never recovered power to repay. Dr. King was another helpful friend.

To Mr. William Cooper.[1]

'HEATH HOUSE, *January* 1864.

'The first page of the Pioneers' Report contains a statement 'of more gratifying interest than any one that ever met my 'eyes. Your great battle is now over, and your victory is 'assured! Let the working-man no longer moan over oppression 'even where it exists (which is not so frequently as he is 'tempted to imagine), but throw himself heart and mind into 'Co-operation, cultivating within himself all the virtues and 'qualifications essential to the character of a good co-operator, 'which, when he has attained them, will enable him to rise 'above all obstacles, and—if I thought it right to use such 'language—I should say would enable him to bid defiance to all 'opponents. But I should grieve to foment anger between class 'and class. We have all of us been misled far more by the 'fallacies of the brain, than by the evil propensities of the heart. 'My own firm persuasion is that there is no class in the com-'munity which, if it could be made perfectly to understand 'what is essential to promote the interest of all, would shrink, 'by reason of selfish motives, from pursuing that course.'

In reference to a suggestion that the Mills of the Society would afford security for insurance against sickness or death, he asks consideration of the risk involved in relying upon so narrow a basis. 'Even if Co-operation were old enough to inspire absolute 'confidence in all the world, I should view with anxiety exposing 'a town to calamities which may arise from disasters common 'to that particular town and neighbourhood, but not extending 'over the whole country; so that if Rochdale Insurance 'Societies invest at all in co-operative works, I should advise 'them to wait until such works have been established in 'the staple trades of other districts, and to invest in them.' He exemplified his meaning by referring to a great fire at New York, and to that at Hamburg in 1842. In the former case the insurances had all been effected in local offices. Not only were these ruined by the tremendous pressure, but the shareholders were individually ruined, so that the

[1] Secretary to the Equitable Pioneers.

security on which the insurers had relied failed just at the moment when its aid was required. The Hamburgers, on the contrary, had insured at a distance (in English offices) where the strain was not felt more severely than could be easily sustained, and the shareholders were untouched by the calamity. 'Do not,' he concludes, 'put all your eggs into one basket. 'Defoe, you remember, whose wonderful insight into human 'nature has made him interesting to all readers, tells us that 'Robinson Crusoe was warned by a fire which arose, if I re-'member aright, from a tree being struck by lightning, to divide 'his stock of gunpowder into small portions, which he deposited 'here and there.

'Your letters are always welcome. Give my kind regards to 'your worthy colleagues, who live, and always will live, in my 'esteem and respect.

'Believe me, dear Sir,

'Your faithful servant and friend,

'M. D. HILL.'

Of the benefits attainable by the application of co-operative principles to agriculture Mr. Hill was sanguine, though recognizing the more complicated nature of such enterprises, as compared with stores or even manufactories. The experiments made at Blennerhasset, and Assington, had great interest for him. The latter place, he for years hoped to reach, in the course of one of his brief holidays; but the necessary strength and leisure never were at command together. Perhaps no book ever enthralled him more than Mr. Pare's narrative of what was accomplished within three short years at Ralahine, County Clare,[1] where the pecuniary and moral results gained during its brief span set clearly forth the soundness of the principles upon

[1] *Co-operative Agriculture*, by William Pare, F.S.S. Longmans, 1870. Mr. Pare was a disciple of Robert Owen, and as early as 1827 aroused interest in Co-operation at Birmingham, where he then resided. He was the author of several works on this and cognate subjects. His *Co-operative Agriculture* gives information concerning other experiments besides those at Ralahine. What had been done there and at Blennerhasset, and what was still going on at Assington, forms also the subject of an extremely interesting article in *Fraser's Magazine* for April 1875, by Miss Matilda Betham Edwards.

which it was founded, and pointed out a source of happiness to mankind of which no limits are visible.[1]

In a speech delivered in the Parliamentary recess, Mr. Adderley had said he knew nothing at that moment more characteristic of the genius of the country, or more hopeful for its prosperity, than the co-operative spirit fostered at Rochdale. It had turned habits of debt to habits of saving and thrift, had changed want into plenty, and scanty food and clothing into sufficiency and comfort; while, by its aid, co-operators had provided for the education of their children, and for their own intellectual and social culture.

To the Right Hon. C. B. Adderley.

'HEATH HOUSE, *Jan. 28th*, 1864.

'I rejoice at the interest you take in Co-operation. . . . In the 'Co-operator you will find an account by Mr. Gurdon [of Assington 'Hall] of what has been done with respect to one of his farms by 'a small company of working-men who became his tenants.[2] They 'have paid their rent very regularly, and the experiment is alto- 'gether so successful that he has now let another farm in a similar 'manner. Here is Co-operation applied to agriculture. Do you 'propose anything of this kind when you speak of trying a co- 'operative experiment? You will not fail to remark that the 'most successful co-operative undertakings have been self- 'originated, self-sustained, and always self-conducted. Yet, 'although co-operators do not ask for assistance, they are not 'ungrateful for encouragement, especially that of sympathy; nor 'are they unaware that the approbation of the higher classes would 'remove obstacles—as it has already done by improving the laws 'relating to co-operative societies. If however Co-operation is to 'be applied to the cultivation of land, it is quite evident that 'little can be done unless the landed interest look favourably on 'the enterprize. 'M. D. HILL.'

[1] The catastrophe which fell like a thunderbolt upon the happy community, reducing it to misery and despair, had no connection whatever with Co-operation.

[2] Mr. Gurdon's narrative appears in the *Co-operator* for February, 1863. This co-operative society is one of those which Robert Owen's preaching caused to spring up in all directions. It is probably the sole survivor.

The contrast presented to the peaceful successes of Co-operation, by the strife, ruinous to both parties, of Trades-unions, was becoming more and more painful to contemplate, for all who had the well-being of the working-classes at heart. The right in working men to combine, and to use the power so gained against employers, it has been already said, Mr. Hill did not dispute. 'But this power,' he remarks in a letter written during the terrible revelations at Sheffield—'like every other; 'should be used only for purposes of justice; whereas it has 'become cruel injustice, both to masters and to the working-'class itself. As always happens, persons of a higher class and 'better education play the demagogue, now that the Trades-'unions have become very strong; and that is the worst feature 'in the case.'[1]

Addressing in 1867 an audience in a large manufacturing centre, he contrasted Trades-unions in their baneful effect upon the commercial prosperity of the country, with Co-operation. 'If 'words of mine,' he said, 'could gain the ear of Trades-unions, 'I would implore them to reflect on the inevitable results of the 'policy to which they would appear to be giving themselves up. 'Led away by the desire for equality—often a generous impulse, 'yet as often the parent of unnumbered evils—they fight against 'the ordinances of Nature. They do not, it is true, ask, as here-'tofore, for—"the equal division of unequal earnings," but they 'do worse—they frame regulations to prevent strength and skill 'from effecting more for the employer, than he obtains from a 'lower grade of capacity.[2] This principle of trade, combined with 'restraints on taking apprentices, whereby the supply of labour

[1] A curious indication of the feeling still lingering not long ago, at Sheffield, was given in a remark by a working man. Commenting on the conduct of one of the persons most active in bringing the outrages to light, he said that 'he '(the speaker) would not like to have the ruin of Broadhead on *his* conscience.'

[2] An instance showing for once a ludicrous side to the pernicious principle arraigned in the text, was given, many years ago by the boys employed in the *Punch* office. A paper was picked up containing rules they had drawn up for restricting their labour. One of these was that no boy should make the journey between the publishing and the printing office, in less than a prescribed number of minutes! In the Appendix to *Rocks Ahead* Mr. Greg quotes from Mr. Thornton's book on "Labour" a list of Unionist restrictions, truly appalling in their paralysing effect upon the industrial interests of the country.

'is lessened and youths are cruelly precluded from becoming 'artizans, enhances prices and debases quality; emulation is 'checked, legitimate ambition has no outlet, and an approach 'is made to the stagnation of intellect which belongs to slavery.' On the other hand, the principle of Co-operation—'honestly 'carried into effect, with due intelligence and industry, has 'wrought wonders, both at home and abroad. Peace takes the 'place of war; not a peace of cold neutrality, but a firm alliance, 'in which even the most humble feels himself raised above a 'mere hireling, and placed on the footing of a friend and 'partner. Now that the soundness of co-operation has been 'proved by multiplied experiments, it would be to doubt of 'human nature itself were we to turn away with distrust from 'a principle giving scope to the noblest impulses of the heart. 'Discarding its aid we should lose, according to my settled 'convictions, our best prospect of escape from the chronic 'animosities now encompassing us, and swelling with every 'succeeding year into more disastrous proportions.'[1]

Mr. Hill filled the office of Arbitrator to each of the two co-operative societies at Bristol. It proved a sinecure; but he was sometimes asked by them for legal advice, and he occasionally occupied the chair at their annual meetings. Frequently invited to take part in the festivals of co-operative societies at a distance, which want of time and strength compelled him to decline to do, he would sometimes embody in his answer the remarks he might have made if present. In such a letter to the co-operators of Over Darwen he gives the result of his observation as a Bankruptcy Judge in regard to the causes of failure in ordinary commercial affairs. Negligence is a prolific one, while others prevail which imply no reproach, but arise from the head of the business lacking some of the very various talents required for its successful conduct. Of these victims of an unsuitable position he says:—'I have often thought how much happier 'such persons would be in large co-operative concerns in which 'the particular talents which each possesses might be called 'into play, without imposing upon him duties for which he is 'less fitted by nature or training.'

[1] *Address delivered at the Birmingham and Midland Institute*, September 1867; Longmans.

To the Secretary of the Society at Ladywood (a suburb of Birmingham) he wrote on a similar occasion at the end of 1868:—'With your request for another New Year's letter, I am 'cheerfully complying. Let me, in the first place, tell you what 'high gratification I have derived from your quarterly accounts. 'Your advance is rapid; and, what I regard with even more 'pleasure, it is steady. Your devotion to the ready-money prin-'ciple is conspicuous; and I have no doubt that you feel you 'are amply rewarded for it. The time (I think) has now arrived 'at which you may consider that you have established your 'society on a sound and permanent foundation; and if that is 'so, you have overcome what must be in Birmingham a great 'difficulty, viz., to establish a Co-operative store with a constitu-'tion sufficiently robust to bear the vicissitudes of commercial 'seasons; a society which will not go down just at the time 'when its aid is most required—I mean when trade is bad and 'the necessaries of life are dear. Why that should be a diffi-'culty in Birmingham, which is no difficulty in any town of 'Lancashire or Yorkshire, is to me an enigma; and although I 'have seen many solutions quite satisfactory to the minds of 'their authors, not one has cleared up the matter to mine. All 'honour, then, to you and your comrades who have surmounted 'the impediments to success! Everywhere there is a large pro-'portion of the community who are not only cautious—as all 'should be—but over-timid. They will take no share in any 'concern which has not passed beyond the experimental stage. 'Yet, if such a temper universally prevailed, the world would 'be debarred from improvement—all improvements being at first 'mere experiments. . . . My mind often dwells on the toils and 'sacrifices of the Rochdale Pioneers—I mean the founders of 'the society which goes by that name; and I feel humbled 'when I reflect that a few poor and lowly flannel-weavers have 'done for the world what the rich and the educated—although 'inspired by the purest benevolence' [he is here speaking of the many members of the upper classes, who sought to put in practice the teachings of Owen and his fellow-enthusiasts] 'utterly failed to accomplish after many persevering attempts.' Having recalled to his readers the early struggles of the Pioneers,

he continues :—'Two among these right worthy men have lately 'gone to their rest. The first who passed away was Charles 'Howarth. Among many services which he rendered to the cause 'during a long course of years of devotion to it, Mr. Howarth had 'the merit of having devised that part of your plan which allots 'dividends to buyers in proportion to the amount of their 'purchases. This regulation, while it is in strict conformity 'with co-operative principles, furnishes a motive to strangers to 'become customers, and eventually members, and thus acts at 'once on the minds of the least reflecting; so that Mr. Howarth 'may be safely adjudged the best recruiting sergeant who ever 'strove to swell the army of Co-operation. The other departed 'Pioneer is William Cooper. In 1844, when the little band 'was formed, he was a mere youth. Yet he took upon himself 'the arduous office of secretary, which he filled with singular 'talent and unremitting assiduity. He became known far and 'wide; and many were the applications he had to answer in 'laborious correspondence with persons who called upon him 'for information and advice, with the view of founding and 'conducting Co-operative stores.'[1]

This letter the Committee of the Ladywood Society asked Mr. Hill's leave to publish, and offered, with a touching reference to his advanced years and public services, their thanks for his sympathy and counsel.

A new and important feature of Co-operation had presented itself in 1863 in the establishment of the Co-operative Wholesale Society at Manchester, founded to supply Stores with unadulterated goods.[2] In 1869 it opened a new warehouse, which had cost nine thousand pounds in the building. The opportunity was deemed a fitting one for entertaining, at a public dinner, the friends of Co-operation. Mr. Hill was asked to be present, and to address

[1] On the occasion of a co-operative meeting at Bristol Mr. Cooper was a guest at Heath House. His great sagacity and experience and perfect singleness of purpose, combined with a nature of singular sweetness and refinement, made him a most interesting companion.

[2] A similar commercial centre was created in 1868 at Glasgow. Both are federative in constitution, the members being themselves societies. Their importance is shown by the amount of their sales. These were in 1877, for England £2,791,477, for Scotland £589,222.

five hundred delegates from the societies which formed this federative association. Compelled to decline the invitation, he wrote to the secretary:—'From Co-operation in its original 'form great benefits have assuredly flowed; and I therefore, 'six years ago, cordially hailed the signal development of the 'rudimentary principle manifested in the establishment of your 'invaluable society, bearing as it does the same relation to the 'co-operation of individuals, as the co-operation of individuals 'to the efforts of unassociated men.'

Arrangements were at this time making for the first of the Annual Co-operative Congresses (a revival, perhaps, of the gatherings begun under the same name nearly forty years before) which have proved to be of growing importance. Again was Mr. Hill obliged to refrain from joining in proceedings of the highest interest to him. Two years later, when the Congress was to assemble at Birmingham, he answered, as follows, a request for a contribution in any form that his feeble health might permit:—

To Mr. Pare.

'Heath House, *April 8th*, 1871.

'I have been reading a good deal of our recent co-operative 'literature, in particular the *Reports* of the two last Congresses 'respectively held in London and in Manchester, both valuable 'documents, which may be studied with advantage by the most 'experienced co-operators.

'Two propositions struck me as profoundly true. The first, 'that co-operative societies should be established by those who 'are qualified to be, and who intend to become, working members 'of these institutions, and not by men, however sagacious and 'benevolent, who are cutting out work for others to perform. 'My long life has afforded me abundant opportunities of ob-'serving the difficulty, I had almost said the impossibility, 'of good results being obtained by any help save self-help. '. . . Without running into extremes, which are seldom 'to be desired, I think the experience of every one who has 'tried to do good, must have convinced him of the danger

'of too much interference with the concerns of others, 'however they may seem to him to stand in need of aid and 'advice. It might appear invidious, and would certainly 'be painful to me, to adduce examples in support of this 'view. They are numerous, and, far from being limited to 'co-operative efforts, pervade, alas! the whole region of labour 'and sacrifice.

'The second proposition struck me as equally pregnant with 'truth. It is that when co-operation fails, it fails because it is 'not sufficiently co-operative. This deficiency, though, from the 'difficulties which beset co-operative enterprise it cannot be 'deemed otherwise than venial, is often fatal in its effects. 'Permit me to advert to an expedient, not always applicable, 'but, where it can be applied, of undeniable potency. All who 'have reflected on the subject must, I think, have felt that the 'antagonistic interests of individual members have given rise 'to the worst evils Co-operation has had to encounter.' The remedy he presents for consideration is that combination of interests arising from making the capitalist and the labourer one and the same person, which he propounded some years before. 'I am well aware that the undertaking is not free 'from difficulties. It can rarely happen that the capitalist 'can be induced to become a labourer. That being so, the 'aim must be to make the labourer a capitalist, without 'his ceasing to be a labourer. This effort on the part of 'a society will doubtless impede for a time its advancement 'in wealth; but, if I am not mistaken, the delay will be 'far more than counterbalanced by the contentment diffused 'among the members, and the consequent stability of the 'institution.

'If these remarks should furnish hints to yourself, or others 'among our friends who will take part in the Congress, I shall 'be gratified; and if they do not, I hope they will be held to 'manifest my interest in the good cause which I have had at 'heart for more than half a century, although with little power 'to serve it.

'M. D. HILL.'

Except in private letters, these were his last words on Co-operation. His hopes placed no limit to the extension of the movement. Its ultimate capacities the distant future alone can reveal. Meanwhile it steadily moves forward, augmenting year by year the well-being of the people.

A marked sign of the progress already made, as it is also a sure means of further advancement, is the "Central Co-operative "Board," for Great Britain, of which Mr. E. Vansittart Neale (one of the oldest and most staunch supporters of Co-operation), is the General Secretary. It was created in 1870, and has its offices in Manchester. Its constituents are six lesser Boards representing the same number of sections into which the country is divided, one being for Scotland. These entertain and dispose of local matters, and send elected representatives to the United Board, which meets three times a year at Manchester. This is charged with the administration of Co-operative affairs, subject to the annual Congress, where all general questions are discussed. The Congress consists of representatives elected by the Societies which form the Co-operative Union. Its functions are essentially propagandist. Among the representatives of the southern section, which includes the metropolis, are Mr. Neale, Mr. Holyoake, and Mr. Thomas Hughes.

The *Report* of the last Co-operative Congress contains a statement of the position of the co-operative movement in Great Britain at the end of 1875, founded upon the latest Government returns yet published.[1] At that date, England and Wales counted nearly 1,200 societies, and Scotland 300,[2] containing, respectively, 420,000, and upwards of 59,000 members. As each member usually represents a family, the number of persons directly benefiting from co-operation may be estimated at more than a million. In round numbers Scottish co-operators

[1] *The Tenth Annual Co-operative Congress*, 1878: held at Manchester, April 22nd, 23rd, and 24th; 17, Balloon Street, Manchester. The proceedings, which were under the Presidency of the Marquis of Ripon, are highly instructive; and the *Report* affords the latest information on all branches of Co-operation in the Kingdom.

[2] The number practically is much greater, as the large societies have many branches, each really constituting a society in itself.

possessed 323,000*l.* of share capital and 102,000*l.* of loan capital. Further, they did business during 1875 to the amount of more than two millions and a quarter sterling, their nett profits amounting to more than 175,000*l.*, which, supposing all members to purchase to an equal amount, would give each nearly 3*l.* for his or her proportion of the year's gains on purchases. These gains are of course distinct from dividends on Share and Loan Capital, the interest on which is usually fixed at 5 per cent.

The corresponding figures for England and Wales are :—

Share Capital.	Loan Capital.	Business done.	Profits.	Average gain per member.
Four millions and three-quarters.	Nearly three-quarters of a million.	More than sixteen millions.	Nearly a million and a quarter.	Nearly £3.

The figures for the United Kingdom of Great Britain and Ireland may be briefly stated as :—

Capital.	No. of Members.	Business done.
£6,876,406	480,076	£18,469,901

Among the English societies, the Rochdale Equitable Pioneers maintain their high position. They now number 10,000 members, and hold nearly £300,000 share capital. They have seventeen branch stores besides the original central one. Their latest Quarterly Return [1] shows the business done during that period as £73,550. Their prosperity need create no astonishment. The fundamental rules with which they started thirty-four years ago, drawn up by men remarkable for shrewdness and devotion to the common good, still guide their large concern. To lay stress upon their pecuniary success may seem, to those who regard their Society in the light merely of a commercial enterprise, as a vulgar glorifying of the accumulation of pounds, shillings, and pence. But when it is remembered that the achievement of the Pioneers means the supply to thousands of persons of unadulterated food and genuine material for clothing, deliverance from the evils of drink (for Co-operation is one of the most potent incentives to temperance), release from debt, the self-respect and freedom from anxiety that spring from the

[1] Return for the Quarter ending September, 1878.

possession of honestly-earned property, a training in the duties of citizenship, and above all the power of largely aiding fellow-creatures in distress, it will be seen that money acquires in their hands a purely beneficent power, raising it above all base associations. The men who have taught their country how this can be done, take high rank among her benefactors.[1]

[1] Those who desire the extension of Co-operation on a broad and philosophical basis will read with interest a paper by Mr. Vansittart Neale, entitled "Voluntary Propagandist Efforts," (*Report of the Congress for* 1878), in which he looks to the newly-formed "Guild of Co-operators" as a valuable agent in spreading knowledge, and creating interest in the movement.

CHAPTER XXI.

Our Exemplars—The King of Portugal—Bowood—Count Lavradio—Speech of Mr. Baines—Visit to France—Tours—Last Visit to Mettray—St. Foy and Laforce—Pyrenees—Social Science Congress at Dublin—Crofton System—Von Holtzendorff's Paper—The Prince Consort Visits Smithfield Prison at Dublin—Mr. Wheatley Balme—The Four Visiting Justices—Social Science Congress in London—English *v.* Irish System—Address by Brougham—Dean Milman—Lord Brougham at Wigton and Allonby—Co-operation in Cumberland—Letters on the Origin of Evil—The Cotton Famine—Preparing for a Rainy Day—Letter to Canon Guthrie on Transportation—Fallacies Immortal—To Mr. Adderley—Draconism and Miserablism—Letters to Mrs. Hill—Marriage of the Prince of Wales—National Enthusiasm—*Passages of a Working Life*—*Godley's Letters*—Mr. Adderley's Speech on the Colonial Question.

THE memoir of the late King of Portugal, spoken of in the next letter, had appeared in a collection of short biographies, entitled *Our Exemplars, Poor and Rich.*[1] The volume was edited by Mr. Hill (the memoirs being chiefly written by his daughters), and Lord Brougham contributed the Preface. He had presided in 1859, at a meeting of Mechanics' Institutes at Accrington, when the present Lord Derby had suggested that a biographical work of great interest might be written, describing the rise and progress to wealth and eminence of men who, by the exercise of their own powers of body and mind had risen from the humbler classes. By the *Pursuit of Knowledge Under Difficulties* however, and *Self-Help* (which came out a few weeks after the meeting) the ground indicated by Lord Stanley was in great

[1] Cassell, Petter, and Galpin, London, 1860. Two editions of *Our Exemplars* were brought out by Messrs. Cassell & Co., who purchased the copyright. A third has since been published by Mr. James Blackwood, of Lovell's Court, Paternoster Row. The names of Lord Brougham and Mr. Hill are retained on the title-page, and although some of the original Lives have been withdrawn and others have been substituted, no indication is given of the changes made.

measure occupied, and the plan in its execution diverged therefore considerably from his original suggestion. Men and women who had benefited their fellow-creatures by an extraordinary use of their opportunities, were made the subjects of the biographies, and the 'Exemplars,' were chosen from all ranks of society. The reason for this range of choice is thus explained by Mr. Hill:—

'As the examples of our equals have the greatest effect upon us, 'so the nearer you are to the base of the social pyramid, the 'greater your number of equals. But the introduction of persons 'born in a higher class, is valuable, first, as giving variety and 'thereby making the book readable; next, however, and mainly 'because the combination of meritorious *high* with meritorious '*low*, silently introduces into the mind the sentiment of the 'equalizing power of merit—an equality as different from *égalité* 'as light from dark.'

To Rosamond Davenport-Hill.

'BIRMINGHAM, *Jan. 6th*, 1861.

'. . . The party at Bowood was very pleasant, including 'among other guests, Count Lavradio, the Portuguese Envoy, a 'man well worth knowing,—most enlightened and liberal. He 'has studied our laws and literature, and is an ardent admirer 'of England and the English, although he has not enabled 'himself in the nine years of his stay among us to speak our 'language, which however he both reads and writes. I had much 'conversation with him in French. I asked him if the facts 'of your memoir of the King of Portugal were correct. He said, '"quite so," but regretted that you had not heard an anecdote 'which he related to me.[1] . . . Nothing could be more cordial 'than the good old Marquis. When I took leave of him he ex-'pressed strongly the pleasure he had derived from my visit, 'said he hoped it would be repeated, for that he should be glad 'to see me at any time and at all times,—asked me to give him 'a chance when I came to London by calling at Lansdowne 'House on the possibility of his being in town at the same time.

[1] The anecdote arising out of the king's visit to the hospital during the terrible visitation of yellow fever from which Lisbon suffered in 1857, appears in the second edition of *Our Exemplars*.

'But alas! I have lost all confidence in the repetition of 'meetings with friends. Since the last Sessions four connected 'with Birmingham are gone for ever—George Edmonds, Mrs. 'Barber [a grand-daughter of Wonderful Robert Walker], John 'Winfield, and Thomas Osler—all in one quarter of a year!

'M. D. HILL.'

To Mr. Edward Baines, M.P.

'HEATH HOUSE, *April 23rd*, 1861.

'You could not have made me a more acceptable present than 'by sending me your Speech.[1] . . . The testimony you adduce 'in favour of the improved moral and mental state of the 'working-classes, is ample and conclusive. It would however 'be hardly candid in me not to admit that I feel great doubt 'whether a measure simply extending the franchise is sufficiently 'safe for adoption. I see great evils in unwieldy constituencies, 'and I cannot but look with some fear on the preponderance of 'a class, however intelligent and however well meaning, whose 'interest it may be (immediate interest that is) to diminish in- 'direct taxation, and who at the same time escape the incidence 'of direct taxation. I believe in the old maxim that tax- 'ation and representation should go together. Our forefathers 'only regarded this proposition in *one* of its aspects—they meant 'that those who are taxed should be represented. I think 'it equally important to insist that those who are *represented* 'should be *taxed*. My mind of late has been turning on this 'question,—Should not every person who has property imposing 'upon him direct taxation, or, if he has no such property, sub- 'mits to be dealt with as if he had up to a certain low amount '—say £20 a year—be endowed with the franchise? And, 'again, should any person who is not so taxed, be deemed , qualified to enjoy it?

'M. D. HILL.'

Mr. Hill's health throughout this spring had been declining, and he was prevailed upon to rest from work before actual illness compelled his withdrawal. Accompanied by two of his daughters,

[1] On moving the Second Reading of the Borough Franchise Bill, April 10th, 1861.

he went to the Pyrenees, taking the Channel Islands, which were new to him, in his route, where, from a former ally in the Useful Knowledge Society—Sir Stafford Carey, the Bailiff of Guernsey—and from other friends, he had a most kindly reception. Entering France at St. Malo, he made his way to Tours.

To Margaret Hill.

'Tours, *June 7th*, 1861.

'. . . Quiet is the only thing I am in want of just now, but 'as you know, quiet is not to be had in France. Last night I 'slept *au troisième* at the back, but the experiment did not 'succeed. Being tired, I went to bed at 9 P.M. My bed was in 'a recess against a thin wall, behind which ran a staircase with 'beings ascending and descending, who were not angels, unless 'angels wear thicker boots than Gabriel does in the Academy at 'Florence. When the stairs permitted I fell asleep, but awoke 'about midnight to enjoy a grand concert of railway whistles, 'all the various lines meeting at Tours being fully represented. 'That harmony at length dying away, I slept again until early 'dawn (which now is early indeed), when, by way of change after 'instrumental music, I was indulged with a chorus of cock-crowing, 'and the cock being the national emblem or cognizance here, 'the birds lifted up their voices for the honour of the country, a 'land which hates silence more than Nature does a vacuum. The 'cocks, after some interval, were succeeded by doves, who by their 'exertions in a long *sostenuto* convinced me that Bottom, when 'he undertook to play the lion so that he should roar "an 'twere '"any sucking dove," showed a thorough acquaintance with 'ornithology. Then came a blacksmith, whose solo on an anvil 'raised me out of bed. At breakfast in the *salle-à-manger* 'which is in front, there was a complete change of performance. 'Drays passing under the window drawn by horses copiously 'provided with bells, and laden with clashing and chattering 'bars and rods of iron! It is quite wonderful how everything 'in France runs to noise; and how much more noise they can 'produce from the same materials than any other people under 'the sun. Just now I heard the welkin ring with the sound of

'drums, and made no doubt there were twenty at least—in 'England I should have estimated them at a hundred—the 'actual number was two! How I long for my tower![1]

'M. D. HILL.'

The travellers spent a Sunday at Mettray, and the following day were the guests of M. Demetz in an excursion to the Château of Chenonçeaux, and to Amboise. At St. Foy, in the neighbourhood of Bordeaux, there is a Protestant Reformatory for both boys and girls, of which he spoke with warm approval, well deserved, as a morning passed there assured his English friends. Not many miles from the Reformatory is a truly marvellous institution for the relief of various forms of human suffering. It receives cripples, epileptics, patients incurable from pulmonary and other diseases, and idiots, all of whom, in being made useful to each other, have not only their thoughts directed from their own sufferings, but are enabled largely to ameliorate those of their companions. 'We visited,' wrote Mr. Hill, 'Laforce, a village 'delightfully situated on breezy heights above the Dordogne. 'We had a blissful day there in the society of the admirable 'founder of the asylum, which forms its attraction and its 'glory.'[2]

A peep into Spain was obtained by landing from the Bidassoa at Irun and Fuenterrabia—towns as distinctly Spanish as if situated in the heart of the country—and a few days were spent in the lovely scenery of Pau, and of Eaux Bonnes, and Eaux Chaudes; but the climate affected Mr. Hill unfavourably and not only hastened his return northwards, but brought back so much languor, that on arriving in England, in July, he seemed no

[1] His sufferings from noise suggested the imaginary refuge of a tower which should raise its occupant above the sharpness of sound, and also render him inaccessible to outsiders unless, Robinson-Crusoe fashion, he permitted their entrance. It would be, he used to declare, a favourite haven of solitude and repose; but the declaration to wife and daughters fell on incredulous ears, and he would be quickly brought to confess that not five minutes would elapse before one, at least, of the "hareem" would be summoned to read, or to write, or to—listen.

[2] The asylum of Laforce, founded by the Rev. John Bost, is described in *Six Months among the Charities of Europe*, by J. de Liefde, London: 1865; and in *Meliora*, vol. viii. Partridge, Paternoster Row. The *Reports* of the Institution are published by Nisbet, Berners Street.

better than when he had departed. The benefit of the journey however made itself felt afterwards, and in August he was able to attend the Social Science Congress at Dublin. 'I am hardly 'strong enough for the enterprize,' he wrote, 'but I am urged 'by flatterers, who try to make me believe my attendance will 'be useful.'

This gathering at which a large number of visitors from home and abroad, interested in prison reform, were expected, was to be made the occasion of a thorough examination of the Irish Convict Gaols. Lord Brougham, in reference to the Address he had prepared to deliver, says:—'Finding that the main object is to make a decisive 'stand for Crofton and his plans, I have given the principles 'summarily, but plainly, and pronounced judgment on its great 'superiority to our English proceedings. I have put forward 'names in abundance, including Cavour.[1] (I remember Croker 'saying he required names to interest him, and for default of 'these he preferred reading the *Court Guide*. It is really true '—men require names.) I have made Crofton the prominent 'feature of the whole, and a letter from head-quarters in answer 'to mine, announcing your speech, or lecture, or paper, and 'requiring the cession of the Twenty-minutes' rule, says,—"the '"longer the better, for there is to be a *whole day devoted to* '"*Crofton*." . . . I start from home (with Duke of Wellington) 'on Monday morning early, and hope to land at Dublin that 'evening—I go straight to the Vice Regal Lodge. Garnier-Pagès, 'Desmarets, and others will arrive, I suppose on the 13th [August].'

Mr. Hill, after spending some days with Captain Crofton, and paying a visit to Mr. Cobbe at Newbridge House, passed the week devoted to the Congress with beloved friends, Judge Berwick and his sister, whose tragical fate, and that of their fellow-travellers, years afterwards sent a thrill of horror through the land.[2] Their

[1] The great statesman had shortly before his death, in the preceding May, expressed his high appreciation of the Irish Convict System.

[2] They were burned to death in the railway accident at Abergele in 1868. The Archbishop of Dublin, it will be remembered, recorded the event in a beautiful sonnet, which appeared in *Macmillan's Magazine*. The Judge (who derived this title from his office as Commissioner in Bankruptcy) was also Recorder of Cork, and unwearedly availed himself of the opportunity this appointment afforded to promote reformatory discipline.

tender care of their guest enabled him to do good service in the work of the Congress, and he took part in the proceedings of several sections.[1] A remarkable feature in the discussion on the Crofton System was a Paper, as admirable for its matter as for its pure English, which was read by its author, Baron Franz von Holtzendorff, who in his hearty acceptance of Captain Crofton's plan identified himself with the most advanced prison reformers of the day.[2]

'Our work is somewhat hard, but very interesting,' Mr. Hill wrote to his wife. 'To-day we go with our kind hosts to their 'country house, so that I shall have some rest.' This was St. Edmondsbury, a lovely spot, near Lucan, which Judge Berwick laughingly called his "Reformatory," threatening to sentence his guest to detention there, if his health should suffer at Dublin. 'The current sets in strongly here in favour of reformatory 'action. Mr. Justice Hayes told me, last night, that his opinion 'is changed since last year. The Attorney-General[3] says that 'reformatory treatment is the great improvement of the age.'

The meeting broke up on the 21st of August, the day before the arrival at Dublin of the Queen and Prince Consort, on the occasion of their second visit to Ireland, when they were accompanied by their two elder sons. The success of the Congress in attracting attention to the prison question had been great. Writing to Mr. Hill after his return home—'You 'cannot conceive,' said Captain Crofton, 'the number of visitors 'to the prisons and to my office every day, and the immense

[1] One of his daughters wrote home:—'My father is enjoying himself very 'much, and is, I am sure, the better for coming. He gets tired of course in the 'evening, but is as bright as a lark again by morning. His speech on Friday '[on the Crofton System] is greatly admired. Mr. Cobbe told me a friend of his 'said it was alone worth coming to Ireland to hear. In the course of it he spoke 'of himself as the "humble representative of John Bull." I heard one lady say 'to another that she thought "that fine old gentleman, with the beautiful grey '"hair, who was Recorder of some place, was a very noble representative of '"John Bull."'

[2] In 1861 Baron von Holtzendorff was Professor of Jurisprudence at the University of Berlin, and held that Chair until, after his defence of Count Arnim, he quitted Berlin for Munich. He is a member of the Permanent Committee of the International Prison Congress.

[3] Mr. O'Hagan, Q.C. subsequently Lord Chancellor of Ireland; created Baron O'Hagan, 1870.

'number of letters written to me upon the subject. Your 'coming to this meeting has capped the cause. . . Prince Albert 'and the young princes went to Smithfield, heard a competitive 'examination, looked at the books, and were much pleased.' The Recorder of Birmingham alluding to this visit in a Charge delivered a few weeks after the Prince Consort's death, mourned the loss of his mature judgment on the vital question of the treatment of criminals.

The general interest in the question of prison discipline aroused by the Dublin Congress induced Mr. Wheatley Balme, with three of his brother magistrates for Yorkshire, to repair to the Irish Capital, and by a careful study on the spot of Captain Crofton's system, to qualify themselves to introduce it in regard to the convicts in their County Gaol at Wakefield. They were accompanied by the Governor, Mr. Shepherd, who had already greatly improved the method of dealing with county prisoners, and had established a refuge for them on discharge, which under his excellent management was self-supporting. Mr. Edward Akroyd, one of the four magistrates, communicated their intention to Mr. Hill, asking for advice and suggestions. The latter urged them not to confine themselves to bettering the discipline of their own gaol, but also to lay before the English

[1] Smithfield was the name of the Intermediate Prison in Dublin. The "examina-'tion," which took place weekly, and was a favourite intellectual exercise among the prisoners, has been thus described:—'Two parties are formed, one on each 'side of the room. Any man who desires to propose a question stands up, and 'on a sign from Mr. Organ [the schoolmaster] he speaks. Any one on the 'opposite side who wishes to answer him, then stands up—often six or eight rise 'at once. Mr. Organ selects the man who shall answer, and generally repeats 'the question in his loud, clear, voice, and the answer also, and throws in a question 'or illustration of his own. The inquiries comprehend a great variety of sub-'jects—geography with especial reference to emigration, arithmetic, poetry, and 'various branches of social science—the exercise being generally, as it seemed, a 'revival of lessons from Mr. Organ. The answers were almost always correct, 'showing sometimes only a retentive memory: but sometimes also a power of 'independent reasoning, and much facility in clear and forcible expression. Great 'earnestness, and a self-respectful, manly bearing, testified to the excellence of 'Mr. Organ's method of teaching. He discussed subjects with them with great 'animation, told them plainly when they were wrong, joked on an error where a 'joke was suitable, but never lost his position as master and teacher—not 'descending to his pupils' level; on the contrary, rather bringing them up 'to his.'

public the result of their investigations:—'You will, I know,' he concluded, 'excuse my earnestness, and even sympathize 'with it. I am growing old apace, and I have set my heart on 'living to witness the reformatory treatment of criminals 'triumphant.' Mr. Wheatley Balme accepted the task. 'That 'he undertakes the *Report*, just crowns the whole,' wrote Mr. Hill in a subsequent letter. 'He is the best head, and the best 'pen, among us.' The narrative appeared under the title of *Observations on the Treatment of Convicts in Ireland, with some Remarks on the same in England, by Four Visiting Justices of the West-Riding Prison at Wakefield*,[1] and presents in a very small space, the whole pith and marrow of the convict question, as illustrated by the administration of prison discipline in Ireland and in England. From a sick-bed Mr. Hill wrote,—'Mr. Wheatley Balme's book came this morning, and I am 'deeply impressed with its surpassing excellence and import-'ance. It is the *Principia* of Reformatory science. No amount 'of study can be thrown away upon it. To me, who can hardly 'expect to labour much longer or much more, if at all, in this 'great cause, the publication of the work is an unfailing source 'of consolation.'

The Social Science Congress of 1862 assembled in London, and, that it might accord with "the season," was held at a much earlier period than usual. It opened on the 5th of June. Mr. Hill took part in several discussions. In the conflict *à l'outrance* between the advocates of the convict system prevailing respectively on either side of St. George's Channel, he defined with force and terseness the difference of administration in England and Ireland. As is not unusual, both parties to the fray claimed the victory, and there was yet much labour in store for the advocates of a reformatory system carried into execution with integrity.

A cold caught towards the end of June brought on illness which threatened his life, and prevented him for many weeks from performing his official duties at Bristol. His correspondence, even, ceased for a time. It was resumed in a letter to Lord Brougham.

[1] Simpkin, Marshall, and Co.

To Lord Brougham.

'HEATH HOUSE, *July 22nd*, 1862.

'. . . . Thanks for your Address at the Social Science 'Congress, together with its companions. I am particularly 'pleased with Dean Milman's. His dehortations from the 'abusive employment of the Scriptures, in early education, 'are admirable, and coming from a Churchman will have great 'weight. His views on teaching to read may, I think, be use- 'fully generalised. Reading is very much an imitative art, 'yet the teacher rarely profits by the power of example. The 'incumbent of Portishead [the late Mr. Wolley] made a most 'advantageous approach to this view. He read a few words, 'and then was followed by his pupils [in the village-school], 'and so on to the end of the lesson. One remarkable effect 'was produced. The pupils read in *English* accent, instead of '*Somersetshire*, not a vestige of rusticity remaining. And I 'have no doubt that if he had, in addition to his own plan, 'adopted that of giving a whole passage at once by way of 'example, his pupils would have been good readers in a higher 'sense than that implied in their freedom from provincial accent 'and pronunciation.

'M. D. HILL.'

Lord Brougham, in answer, says—'Before the end of this 'month I have undertaken to distribute prizes and open a 'Mechanics' Institute—one day at Wigton, the next at 'Allonby, in Cumberland. Now I beg of you to suggest the 'topics that you think I might handle, so as to do good. 'I don't want to tax you to any labour, but the mere 'suggestion will do, and I shall execute it myself. In 'the recess the London papers condescend to report what is 'said, I observe. They did not give our Volunteer Meeting 't'other day, when I preached the word on defensive measures 'being no proof of alarm or of distrusting our neighbours, any 'more than insuring your house shows distrust of your own or 'your neighbour's servants; besides, by so insuring you don't 'lessen the risk of fire, whereas by proper defences you make 'what is improbable almost impossible.'

From the Same.

'DOBENBY HALL, COCKERMOUTH, *Aug. 28th*, 1862.

'Your letter with an enclosure came while I was making an 'address to the meeting—which turned out to be for a Working-'men's Reading Room, and not a Mechanics' Institute—and it 'served most excellently; for, in replying to the vote of thanks, 'I read both, as most important confirmations of all that had 'been said during the meeting, on the conduct of the people, 'and they were most heartily received. Indeed they formed by 'much the most prominent feature of the whole. My accus-'tomed reference to you was of course most warmly received.

'The Peases of Durham contributed £1,200 of the £1,400 'which the building cost. Their only connection with the place 'is having used it as a sea-bathing station. The erection of the 'building and the part taken by the inhabitants and neighbour-'hood promise to make Allonby a very good watering-place, and 'what is more important, will effect a great change upon the 'character and habits of the working classes. There were so 'many references to the Useful Knowledge Society's labours, 'not only from this country, but from one who had found our 'publications in Siberia, that I promised the Reading-Room a 'set.

'Co-operative measures are likely to take root in Cumberland, 'thanks to your letter. I am here at A. Kinnaird's for a night on 'my way to Brougham, where I hope to dine to-morrow.

'H. B.'

The two next letters are upon the Origin of Evil. The new views opened up by the progress of physical science have not been without their influence in this field of speculation, and it may be admitted that the basis on which the correspondence rests is now antiquated. Still, when minds of uncommon power try their strength upon such a subject, there is a human interest about what they say that no alteration in the current of thought can entirely obliterate.

From the Same.

'BROUGHAM, *Sept.* 12, 1862.

'I lately mentioned to you that I had been engaged in con-
'sidering a very interesting subject, no less than the arguments
'bearing upon the great question of the Origin of Evil. In my
'dissertations on the subject annexed to Paley, I gave what
'appeared to me a satisfactory approximation to a solution of
'the problem, as I really think it was a new one. The solar
'system had always been supposed so constituted that it would
'require, though at great intervals of time, a readjustment by
'the Hand which had originally created it. But the great
'discovery of Lagrange had shown unexpectedly that this was
'wholly unnecessary, because the whole system by its mutual
'action adjusted itself; that, in short, the proposition solved the
'problem of *maxima* and *minima*, and proved that the most
'perfect conceivable—the most perfect possible, result, had been
'obtained and carried into effect. From thence I argued that as,
'before this discovery, men supposed a defect to exist which
'now was proved not to exist, so what appears now to be evil
'may, when we know the whole, turn out not to be so.

'Now I have been considering that the same doctrine may be
'applied to the moral constitution of the Creation, and the
'[query human] species; and that all things, as population, means
'of subsistence, legislative errors, reformatory blunders, etc., etc.,
'may, when we have a larger moral and political experience, fall
'into a system perfect for its ends and objects. Pray consider
'this. 'H. BROUGHAM.'

To Lord Brougham.

'HEATH HOUSE, *Sept.* 13, 1862.

'I almost shrink from the contemplation of the vast subject
'which most appropriately fills your mind. In youth I often
'wandered into speculations upon it, but "found no end, in
'"wandering mazes lost." I remember a somewhat ludicrous
'incident of my troubles. I asked my father if he thought the
'Bishops knew anything about it. He laughed heartily at
'the suggestion, but gave no encouragement to a pursuit of

'knowledge among the occupants of the right reverend bench. 'My difficulties almost drove me to the fearful conclusion that 'the omnipotence of the Creator must be held to have its limits. 'To be sure this was the view taken by Coleridge, who I believe 'was always a religious man, though not always orthodox. Some-'body asking him if God could make two and two five, he said, 'No—God has all the power which is, but this is a power which 'cannot exist.

'Others, I believe have said that God has all powers which do 'not imply essential contradictions; but I have sometimes been 'afraid we must go even further and suggest a limit where we 'cannot see a contradiction. For instance we cannot see a 'contradiction in the hypothesis of a perfect happiness for 'man, eternal in its duration from the date of his birth. 'Doubtless it may be that such a theory implies some un-'known contradiction which might become patent to us, if 'our own knowledge were not so limited. There may be immu-'table laws, moral and physical, which bound in even Divine 'power to this limit—that He can only so order things as to 'produce the greatest possible good, consistent with such immu-'table laws.

'All this you will probably find crude, and perhaps superficial; 'but your letter seemed to invite an observation or two, and, as 'I set out with avowing, it is a subject too overpowering for the 'class of intellect to which mine belongs. Nevertheless I shall 'read whatever you write upon it, with the deepest interest.

'M. D. HILL.'

Soon afterwards Lord Brougham says:—'I wish you 'would let me know whether the working people did not lay 'by for a bad day. They are accused of not having done so, 'and the Cotton Famine finding them unprepared. But were 'their employers, and all the rest of us, prepared for it?"

To Lord Brougham.

'HEATH HOUSE, *October* 1862.

'Nobody was prepared for the Cotton Famine. In 1856, Dan-son, the statistician, of Liverpool, read a paper at the British

'Association Meeting at Cheltenham, proving and emphasizing 'the fact that all but an insignificant proportion of our cotton 'supply came from the Slave States of the Union. The Chair-'man of the Section stopped all discussion of the matter. In 'this I was much disappointed, as I thought it was imperative 'to call public attention to so dangerous a state of affairs.

'With regard to working people, it is unreasonable in the 'last degree to expect a practical foresight of such an event as 'that we deplore. And even as to their superiors, thus much 'may be said towards their excuse;—a famine extending over 'the whole world as regards any necessary of life or of trade is a 'very rare, and as far as my limited knowledge of the subject 'goes, even unheard-of occurrence. All recent instances of any 'approach to scarcity in the world at large of any raw material 'has always proved to be over-estimated, and speculators for 'a rise have eventually found themselves in ruinous error. 'I have witnessed a supposed oil famine, tallow famine, and 'leather famine, each of which brought speculators to ruin. Part 'of the false confidence, I believe, results from the wide-spread 'fallacy invented, adopted, and promulgated by writers on 'political economy, who are by no means the surest of political 'economists. The fallacy is that the laws of political economy 'address themselves to actualities, whereas they can only deal 'with tendencies. Thus, when they say that demand will always 'produce supply, what they mean—or should mean—is that 'there is a strong tendency in that direction; but when that 'tendency will fructify into an actuality, is altogether another 'matter. In the present instance the hiatus between the motive 'to produce arising out of demand, and the results of that motive 'as manifested by supplying it, measure the evil under which 'we suffer, but do not prevent its appalling magnitude.

'But although working-people have not laid by for this par-'ticular storm, they have learned, and are learning, to lay by for 'a rainy day which they know, from whatever cause arising, must 'come now and then. The increase of deposits at savings' banks 'in average times, the immense multiplication of benefit clubs, 'and the wider diffusion of life assurance—all these circum-'stances, together with the rapid spread of Building Societies,

'and, above all, of Co-operative institutions, show that the 'popular mind is turned in the right direction, although it 'cannot be doubted that practice lags far behind theory. A 'daring improvidence seems to be the feature of the Saxon races. 'The Celts, Welsh, Irish, and French are much more given to 'frugality, *i.e.*, they spend less of their income than the English. 'The investments from our own island in Irish estates sold 'under the Encumbered Estates Acts, have borne but a small 'proportion to those of the Irish themselves; and we all know 'that the hoards of French money which the new temptations 'to investment brought forth in France, from classes who, judg- 'ing by their style of living, would appear to us to have nothing 'to lend, proved immense.

'That the masters have accumulated large fortunes cannot, I 'think be doubted; but more by the affluence of their profits 'than by their frugality, is, I suspect, equally true.

'M. D. HILL.'

The popular disposition to recur to the punishment of transportation frequently cropping up needed to be as constantly combated, in private as well as in public. The following letter to a highly-cultivated and benevolent man, aims at removing the misconceptions to which minds of his class were liable:—

To the Rev. Canon Guthrie.

'HEATH HOUSE, *Dec. 18th*, 1862.

'. . . Transportation looks very well at a distance, and when 'spoken of in vague generalities; but after much reading and 'much thought expended on the subject, I am unable myself to 'devise any specific plan which will either surmount or evade 'the manifold difficulties of the project . . . First, I will ask '—Where? Not in pleasant latitudes, because you must take 'care not to change a punishment into a boon, and because it 'would not be easy in pleasant latitudes to find a spot the 'occupation of which by convicts would not excite great 'jealousy either in our own colonies or other nations—convicts 'being very much given to escape and become bushrangers.

'You say—"Send them to Greenland or Labrador, &c." Excuse 'me if I say I wish the advocates of transportation could be 'pinned down to select *one* place, when I feel sure that some 'one or perhaps a dozen objections might be found, each 'fatal to the scheme. Take Greenland. What Governors, 'Chaplains, &c., are to be found to submit to such a dread-'ful banishment? Men worth anything must be paid enor-'mously. No man really fit for the duty would be likely to 'go at any price. Supplies must be drawn from a distance, 'and many other expenses would so rapidly increase that the 'total cost would be enormous; probably £100 or £150 a year 'per man—in Western Australia the cost is £41. What would 'John Bull say to all that? He would rapidly forget his ticket-'of-leave panic (this, you will remember, is the third, and that 'in the intervals no labour, as I can testify, was sufficient to 'induce him to glance for a moment at the question of the 'proper treatment of criminals). Well, the money panic would 'be succeeded by the pity panic. Deaths would multiply. Con-'victs' letters would tell doleful tales of hardships, which the 'prison authorities would take care should not for their own 'sakes be understated. I have seen a good deal of all this. I 'remember the flame which spread throughout this country, and 'beyond its confines, as regarded the treatment of one trouble-'some prisoner at the Birmingham Gaol. The treatment was 'culpable, but the amount of sensation was absurd . . . As 'regards panics, we must never forget that if there is a Scylla 'on one side, there is a Charybdis on the other.

'Well, are you to keep the convicts there for life? If you 'are, you can only send such as are sentenced for life. If they 'are to be released after a term of years, your old difficulty returns 'upon you, and you will find yourselves obliged to do what you 'are doing at this moment—bring them home for discharge into 'our own population, as we do from Gibraltar and the Bermudas. 'Let me propose a scheme much more merciful, more effectual, 'and infinitely less expensive. Hang the wretches! But, you 'will say, we cannot. Millions of soft hearts, one of which is to 'be found in Canon Guthrie, have too much influence to be con-'trolled. Very true. Well, try another scheme. If criminals

'are to be shut up either by stone walls or by the rigour of the 'elements, why not imprison them in England? Because, you 'say, soft hearts will place the Home Office under siege, and 'after a time prisoners for life will obtain their release. But 'what shall you gain by raising the siege of the Home Office 'and transferring it to the Colonial Office? The poor wretches 'will not be forgotten because they are in Greenland—their 'friends and the soft hearts will take care of that. And not 'being forgotten, their cases will be found to assume a more 'picturesque and moving aspect. Give a penny-a-liner the ice 'and snow of Spitzbergen for his stock-in-trade, and he would 'earn roaring Christmas cheer out of it, if Christmas came once 'a week.

'I know you are not a devoted Baconian, but you are, no 'doubt, a believer in the superiority of the evidence drawn from 'successful experiments over all other evidence. It is to such 'experiments, I trust, sooner or later, we may be indebted for 'that philosophical truth of which we are in search. Here 'are the same identical Statutes administered in Ireland so 'as to produce undoubted success, and in England to produce 'undoubted failure; and yet I find all the world teeming with '*à priori* reasons why that which has succeeded in Ireland 'should fail in England, instead of saying—As it has suc- 'ceeded in one place, although it is just within the limits of 'possibility that it may fail in another, yet clearly the best 'thing we can do is to try the experiment ourselves. Swift, 'in grave irony, said he found that what was true every- 'where else was not true in Ireland; and we in sober sadness 'adopt the converse of the proposition, and say that what is 'true in Ireland will turn out to be untrue everywhere else! 'Oh, but the Irish are so impressionable! Well, we have 'plenty of Irish, God knows, in our English prisons, and I 'never heard, ancient as my acquaintance with prisons is, that 'Irish prisoners were better to deal with than English. Oh, but 'they do not become so hardened! Well, I have for years re- 'marked that the number of Irishmen hanged in England is 'out of all proportion greater than it would be if the Irish 'were no *worse* than the English. Oh, but, a third time, the

'constitution of the Irish Police makes them much more quali-
'fied for supervision than the English Police! Were that so I
'should change the constitution of the English Police, rather
'than leave them disqualified for a service of such vital im-
'portance.

'I have inflicted a very long letter upon you without giving
'vent to a tithe or a hundredth part of what might be usefully
'said on the subject. If you can bear the infliction, I should
'be glad to bestow more of my tediousness upon you; but you
'are safe unless you can do me the favour of coming out here,
'as I am myself under "penal servitude" as a relapsed bronchitis-
'man, my hard labour being enforced idleness, and withdrawal
'from the scene of action—

'"When my soul's in arms, and eager for the fray.'"

'M. D. HILL.'

To the Right Hon. C. B. Adderley.[1]

'*Dec. 27th*, 1862.

'Your letter is most excellent and ought to be in print,
'with the exception, perhaps, of your *cartouche* about corporal
'punishment. . . . The glimpses of transportation are dis-
'solving views—very quickly dissolving. I think the *Times*
'is doing good service against transportation-mongers, itself
'included, by suggesting site after site and bringing up some-
'body acquainted with each particular site, who vows that
'transportation is the right thing, but that if it went to his
'neighbourhood, it would be the right thing in the wrong place.

'If you go into Lincolnshire now that drainage has become
'pretty general, and ask the people you meet on the road, if you
'could see a fen anywhere about, they would answer—"No sir,
'"not about here, but if you go on about ten miles farther you
'"will find plenty." You go on ten miles farther and finding the
'prospect much the same, you ask again where the fens are,
'when you receive for answer, "Oh, sir, you have left them
"'behind you ten miles off." I believe one might safely offer a
'prize of a thousand pounds for any specific and detailed plan

[1] Mr. Adderley had opposed transportation so early as 1851, when he published *Transportation Not Necessary*. (J. W. Parker.)

'of transportation which should not be open to some one con-
'clusive objection, and probably more.

'M. D. HILL.'

To his brother Frederic he says:—'I think the transportation-
'people are very good-naturedly writing each other down.
'They could not be better employed. But fallacies, like abuses,
'are immortal. Like the seven sleepers, they retire to a cave
'out of sight for a few years, and then awake as fresh as ever.'

To Mr. Wheatley Balme.

'HEATH HOUSE, *Jan.* 22*nd*, 1863.

'. . . I want some thoroughly orthodox man, fairly read
'in divinity, to write a letter to the Archbishop of Canterbury,
'setting forth that no home treatment of criminals, either re-
'formatory or exclusively deterrent, can have a fair chance of
'success unless the public do their part. That their duties are
'thoroughly Christian, not to be enforced by law, but by argu-
'ment and persuasion. That the *onus* of setting the public right
'on this subject and of keeping it right, must of necessity fall on
'the ministers of religion, and emphatically on the clergy of the
'Established Church by reason of their connection with the
'State. That the present tone of the newspapers, echoing but
'too faithfully public sentiment, is thoroughly anti-Christian.
'That judging from past events, it will quickly vibrate into the
'opposite extreme, maudlin lenity. That it is for the pulpit to
'lay down metes and bounds guarding us against *Draconism* on
'the one side, and *Miserablism* on the other—what a pernicious
'book![1]

'The subject must also be treated practically—When should
'an injured party prosecute, and when forbear? Application
'for mitigation of punishment is only sound when the law or its
'administration is unsound; if such applications are for an inter-
'ference with well conducted reformatory treatment, they are
'cruel to the prisoner. Dealings with criminals after discharge:

[1] *Les Misérables.* He is alluding to the early part of the work. It is believed, he never got beyond the first volume.

'—How aid can be most safely afforded so as to do the *maxi-*
'*mum* of good with the *minimum* of injury, and at the minimum
'of cost; over-timidity, over-rashness, and reasonable caution
'in employment of discharged criminals, and forbearance towards
'their pardonable faults.

'And Nathan said unto David—"'Thou art the man.'—Not,
'"however, because thou hast done ill, but because thou hast
'"rendered a most important service which binds thee to do more,
'"by the obligation of using the talent which the former service
'"has proved thee to possess." I must go to my Court.

'M. D. HILL.'

. . .

The separation from his wife during her residence at Cannes and Nice in the winter of 1862-3 far exceeded in length any other of their married lives. A few selections are given from his letters.

To Margaret Hill.

'HEATH HOUSE, *Oct. 12th.*

'. . . My return of strength (partial though it be) has raised
'my spirits with the hope that life may have an Indian summer
'for us yet. The success of your journey so far as it has gone,
'emboldens me to say *us*. Indeed, without you to enjoy it
'with me, renewed strength would be a poor affair. . . Sir
'Walter Crofton's lecture and the discussion which followed it
'has struck a very important blow I have no doubt.'[1]

'SHORTEST DAY.

'. . . I have been reading Mrs. Trench's *Remains* with great
'enjoyment. I suppose you cannot get the book in Cannes, but
'if it is possible, I hope you will. Joanna's success is much
'talked of.[2] Your idea of keeping it a secret was rather wild.
'I thought you had known your sex better! Why even *I* could
'not summon reticence enough for such a purpose.'

[1] Sir Walter Crofton had delivered a lecture at Birmingham on the Irish Convict System. He repeated it at Bristol.

[2] His youngest daughter had contributed some drawings to *Punch* on the Convict question.

'*Feb.* 1*st.*

'. . .The day after to-morrow you will have been gone from 'me three calendar months!—seventeen weeks and three days. 'Alas! You will forget my old face, as you have done my young 'one. Still do not risk your health by returning prematurely. 'Dear good old Lord Lansdowne! He would have lived longer, 'if he would have submitted to his age. He was walking alone 'down steps in his garden when he fell.

'*Feb.* 8*th.*

'. . . With us the season is preternaturally fine. To-day the 'blue sky, the sunshine, "the tepid airs," and the flowers remind 'me of Malvern on the 3rd of November, 1819 [his wedding-day]. 'It happens, too, that the length of the day is precisely the same, 'so that I can match the events of that *dies festalis* with this quiet 'Sunday, hour by hour. God bless you, my precious help-mate, 'my friend, my adviser, the careful steward of my means, once so 'scanty and precarious, the tender and exemplary mother of my 'children, my nurse in sickness and depression, and my faithful 'and loving companion at all times.

'HEATH HOUSE, *March* 8*th.*

'All England has gone stark mad about the marriage of the 'Prince of Wales. I am sure I wish the young people well, 'but I cannot look on the proceedings with full approbation.

'The Prince has not yet had opportunity to win his spurs; but 'what achievements in after life will ever bring him such an 'exuberant testimonial of popularity? His future must be an 'anti-climax! This is felt in some quarters, and it is answered 'that the testimonial is, in truth, a homage to the mother. 'Alas! what she deserved was that the subscriptions to the 'monument to her husband should not have been blighted as 'they were. He had proved his worth, persevering in his 'arduous and somewhat ungrateful duties, to the last! The 'contrast cannot but be painful to the Queen, poor widow! I 'confess I think more of her bereavement, than of the present 'festivities. Not but that I rejoice too in the fervent loyalty of 'the mob, high and low. It is a requirement of a well-ordered

'State, and not likely to lead us into anything of which we 'shall repent.

'*April* 12*th*.

'Your garden is prospering; the white blossoming fruit-trees 'are in full bloom, and the yellow-flowered barberry is come out 'beautifully. The primroses have been very fine this year: 'some have borne above the starry interior, pink leaves, and 'this variety appears on the same plant with those which are 'all yellow. These observations will probably disclose my very 'limited knowledge of gardening, but they were made to be 'communicated to you, and you will receive them in the spirit 'in which they are sent. By all means however, laugh at 'them as much as you please.

'M. D. HILL.'

During the preceding winter, Mr. Knight had stayed at Heath House, when his friend suggested to him to write the autobiography which subsequently appeared under the title of *Passages of a Working Life*. The following letter acknowledges a proof of the Introduction, or "Prelude."

To Mr. Knight.

'*April* 12*th*, 1863.

'. . . . No doubt your task is difficult in some of its aspects, 'but I think it must be intensely interesting to the writer as 'well as to the reader, and as a piece of history it will be in-'valuable. *Pars magna fui*, you cannot avoid saying to yourself 'of a greater change in society than was produced by the French 'Revolution, and its consequent wars and commotions. You 'can state the commencement and progress of new principles of 'reasoning as applied to the affairs of men; I mean new as 'regards their general adoption. You well remember the time 'when, in politics, no measure or institution was discussed on 'its inherent merits. Those who advocated it thought them-'selves compelled to prove that at some period of our history, 'more or less remote, the measure or institution in debate, or 'something very much like it, had been part of the law of the 'land. Thus we have had such themes forced upon us, as 'whether or not the proposed measure was in accordance with

'the principles of 1688; but when hard pressed we ran back 'even to Saxon times, and romanced not a little about the 'Witanagemote. You have seen this rubbish swept away on 'both sides, and the inquiry limited to a consideration of what 'will suit us *now*, history being only appealed to for its legiti- 'mate purpose, namely, as bearing upon that issue; but not as 'conclusive by way of authority to prove the wisdom or folly 'of any particular decision. With regard to popular literature '(to return to it for a moment), you must be, I should think, 'the oldest living man who began systematically the process of 'popularisation. At all events, the subject is peculiarly your 'own, identified with you, and you with it. So set to work, 'and God speed you! 'M. D. HILL.'

To the Right Hon. C. B. Adderley.

'COURT OF BANKRUPTCY, *May 20th*, 1863.

'... I have been quite enthralled by *Godley's Letters*.[1] I do not 'wonder at the estimation in which you and his friends held 'him. How much his head and heart resembled Edmund 'Burke's, without the extravagance of Burke's later years! 'Probably had Burke lived in our day the similarity would 'have been more complete. The glimpses I get of the progress 'of your mind and his, during the last twenty years, are most 'interesting. There is, if I remember right, some great work 'of art which attempts, not altogether without success, to 'depict the creation of animals. A horse is seen (his forelegs 'already escaped) by main force drawing his hinder parts from 'out the earth which had shortly before covered and oppressed 'the whole of the noble creature.[2] I was much reminded of 'this picture throughout the work, which I finished to-day. 'When at school I had a Latin lesson-book entitled *Selectæ è 'Profanis Scriptoribus*. I think this volume of letters would 'supply materials even more valuable. There are passages

[1] *Extracts from Letters of J. R. Godley to C. B. Adderley.* Printed for private circulation.

[2] It might be supposed that he had in his mind a picture illustrating the passage in the VIIth Book of *Paradise Lost*, beginning with line 63, but that his familarity with the poem was too close to permit of his substituting a horse for the lion.

'which disclose a philosophy as profound as anything in Burke, 'and of greater breadth. I wish the world could have the 'benefit. You never did me a greater service, and you have 'done me many, than by giving me this book. I shall read it 'again and again. 'M. D. HILL.'

To the same friend he had written shortly before:—'I cannot 'refrain from telling you how much I enjoyed your Speech on 'the Colonial Question—a most able and statesmanlike argu- 'ment. Your remark that the power of declaring war was in 'the Crown alone, and that the Crown was as truly in each 'of the Colonies as in England, disposes at once of a somewhat 'plausible objection. If a colony disapproves of a war let them 'withhold supplies, as the English Parliament may do, and let 'them apply for a separation. The mother-country would be 'foolish to refuse such an application, although it is next to 'impossible that the experiment will ever be tried.'

CHAPTER XXII.

Visit to France—Mignet and Jules Simon—*L'Ouvrière*—Rheims—M. Dollfus—Mulhouse—"Cités Ouvrières"—Overcrowding—Infant Mortality—Benevolent Despotism—No Co-operation at Mulhouse—A French Christening—Maxim of Goethe—Constance—St. Gall—Zürich—Prison Question—Farewell to Switzerland—Prison of Toussaint l'Ouverture—Mrs. N. J. Senior—Paris—Bonnet buying—"Maison Paternelle"—Louis Reybaud—The *Co-operator*—Mr. Hill Proposed for the French Academy—Publication of *Passages of a Working Life*—Southey and Coleridge—Shakspere Club at Birmingham—Letter to Knight—Garibaldi at Bristol—Sir Rowland Hill at Oxford—Miss Cobbe's *Italics*—Knight's *Old Booksellers*—Sensational Books and their Use—Dr. Wines—Prison Reform in New York State—Third Visit to Ireland—A Moral Gain to Have Been in Prison—Colonel Henderson—Sir. A. M'Donnell—Reformatory Treatment Overcomes Sectarian Differences—History of Our Own Time—*Élite* of the Working-men.

THE autumn of 1863 brought the relaxation of a foreign tour; and a desire to inquire into both Co-operation in France, and the condition of the operative class in that country, determined Mr. Hill's route.

At Paris, a letter of introduction from Lord Brougham to M. Mignet was speedily acknowledged in person. 'He is 'a man of charming manners, and I very much regretted that 'I could see no more of him than what could be gathered in a 'morning call,' Mr. Hill tells his wife, in the Diary dictated during his absence for her amusement. Lord Brougham writes to him afterwards—'Mignet speaks with much interest of 'having made your acquaintance.'

An introduction to M. Jules Simon afforded opportunity for interesting discussion on the topics dealt with in his *L'Ouvrière*. This book (which throws great light on the condition of working-men, as well as of working-women in France) had by its description of what was being done by M. Jean Dollfus, at Mulhouse

—the Saltaire of France—determined Mr. Hill to study, on the spot, that remarkable illustration of the benefit which a large employer of labour can effect by identifying his own interests with those of his workpeople. But before leaving Paris, manufacturing co-operation in its strict sense engaged his attention. By visits to some of the co-operative manufacturing associations there, and by careful inquiry concerning the remainder, he satisfied himself that these modest enterprises were on the whole well-managed, and fairly prosperous. But the legal restrictions imposed by the Government on meetings, seriously hindered the development of co-operation, whether for manufacture or for the sale of goods. To the latter branch, moreover, the licence to sell by retail required by the French law (then however, beginning to be remitted in some trades), offered a second impediment, and practically this form of co-operation scarcely existed in France. He deplored the loss to her citizens of the training for the exercise of political rights, which he regarded as one of the great benefits conferred by membership in co-operative associations upon the working-classes of England.[1]

Quitting Paris for Mulhouse he made a pause at Rheims, one of the seats of manufacture selected by Simon as an example of the condition of factory-workers, and made his way to the quarter inhabited by the operatives. None of the outward signs which in England would have accompanied the extreme poverty described by M. Simon met his eye; but this he felt was no reason for doubting its existence. Even the *bobineuses*, whose earnings are said to be especially meagre, bore no signs of distress about them. On the contrary, 'I was struck,' he says, 'with 'the marks of self-respect which I saw everywhere. No rags; 'and every woman had a clean cap, somewhat elaborately 'worked. Alas! alas! I must confess that except in our dear 'Island, I have never seen that self-abandonment which is the 'most mournful and revolting spectacle the world presents.'

[1] Mr. Hill was indebted for valuable information concerning the position of Co-operation in France to M. Beluze, whose personal acquaintance he had the advantage of making during this visit to Paris.

To Lord Brougham.

'MULHOUSE, *Aug. 27th*, 1863.

'Since Monday morning I have been domiciled at the house 'of M. Jean Dollfus,—"the man of Mulhouse" as surely, and in 'a wider signification than Kyrle was the man of Ross. I am 'very much delighted with him and his. His views are as large 'and expansive as if he had all his life followed the example of 'those of his countrymen '*qui rêvent de belles choses*,' while his 'works in number, importance, and success would place him in 'the first rank of Anglo-Saxons. He is a cotton spinner, weaver, 'and calico printer, employing from 2,500 to 3,000 hands, 'allowing but *one* hand to each workman, woman, or child. He 'is the sole manufacturer in France who supported, heart and 'voice, the project of the new treaty, which he discussed before 'the Emperor, with a deputation of his brethren ardent on the 'other side of the question. The Emperor heard what was to be 'said on all sides, and secured himself from the temptation to 'deliver a hasty opinion by the solemn occupation of smoking a 'cigar! But he decided, as you know, in favour of Dollfus. I 'have not time to tell you of his great achievement—the *Cités 'ouvrières*, containing six hundred houses all occupied by 'genuine *ouvriers* and *ouvrières*[1]—but the value of the improve-'ment has certainly not been over-estimated.

'M. D. HILL.'

In his diary he says of these homes of the workpeople—'Everything that a working-man can desire for comfort and 'decent separation is here.[2] M. Dollfus attended our Exhibition 'of 1851, and there saw the model houses built in the Park by 'the Prince Consort. These suggested the project of the *Cités 'ouvrières*, the plan of the house being modified to suit the habits 'of the people here.' The benevolent founder, Mr. Hill relates,

[1] Six hundred and sixteen was the precise number of the houses, each of which constitutes a block containing four distinct dwellings.

[2] The diary gives a description of all the distinctive features of the establishment, including schools, dispensary, washhouses, restaurant, &c., familiar to the readers of *L'Ouvrière*, and which happily have, more or less, their counterparts in many manufacturing works at home.

met with the same counteraction of his efforts to provide due accommodation for his tenants which confronts the landlord in England, who, after building commodious cottages, finds the laws of health and decency set at defiance by the introduction of lodgers. In France, however, public authority can interpose, to some extent, to prevent this evil. Each town has its permanent sanitary commission, consisting of medical men, builders, surveyors, &c., armed with powers to prevent or remedy whatever is unwholesome; for instance, they regulate the number of inmates of dwellings, having authority to eject the surplus. Such powers however have to be exercised with forbearance. It may be remarked, indeed, that they are seldom put in operation at all, as is obvious from the habitual defiance of the laws of sanitary science by the French lower classes. M. Dollfus trusted, says Mr. Hill, largely to another incentive, to the development, namely, of self-respect in his tenants, to overcome the desire for money-profit at the cost of health and decency. It proved an efficient motive. In 1856 a census was taken of the inhabitants of all the houses then built. The population amounted to 2,261. Five years later a second census showed that the number had sunk to 1,629. Miss Octavia Hill has had similar favourable experience in London.

Again, the tenants of the *Cités ouvrières* have the option of purchase on terms resembling those of English building societies. One of the conditions of the sale is that the buyer shall neither sell nor underlet his house for ten years after its completion. By that time the dignity of possession has so raised the owner in the social scale, that he values convenience and propriety above gain and, practically, never exercises the right restored to him to take lodgers.

The high rate of infant-mortality in manufacturing centres presents an appalling problem to the social reformer. M. Dollfus and his partners have done much to solve it. Their method is to induce the mother to remain at home with her new-born child, for a much longer period than is customary with her class. To accomplish this an allowance is made to her, commencing a fortnight after childbirth, and continuing for six weeks, unless the infant dies, in which case

payment instantly ceases. It ceases also if the woman is found to undertake any employment except that of attending her children, nor is she eligible to receive it unless she has been twelve months in the employ of the firm. The sum allowed is equal to the average of her daily wages during the six months prior to her confinement.

Co-operation (in its now accepted sense) has no place in the little industrial world of which M. Dollfus is the head. 'I 'told M. Dollfus and his son-in-law (M. Bournat, the director 'of the works),' continues the diary, 'that I considered them 'king and minister of a most benevolent and enlightened abso- 'lute monarchy—a state of things which had been by many 'writers considered as the acmé of good government; and cited 'to them the lines of the poet Claudian—

> 'Fallitur, egregio quisquis sub Principe credit
> 'Servitium; nunquam libertas gratior exstat
> 'Quam sub Rege pio.'[1]

'But I told them, also, that I entirely dissented from this doctrine; 'that if the absolute monarch were an angel, his government would be inferior, for the purposes of encouraging virtue and 'producing happiness, to the self-government of an intelligent 'population. That, however, I entirely concurred in the wisdom 'of what they had done, because, having regard to the habits of 'the country and the very low state of information among the 'people, I thought that benevolent despotism furnished the only 'feasible means of raising them to the point at which self- 'government became possible; but that favourable symptoms 'had now displayed themselves—that that point, if not reached, 'had at all events been approached, and permitted of at least 'entire concurrence between employers and employed, in 'measures having for their object gradually and cautiously 'to endow the people with power. I was intensely gratified 'that both these gentlemen agreed in this view. . . . Patronage 'is a very difficult art. In the present state of society it is 'certainly necessary; but unless the patrons are very en- 'lightened, and devoted to their professed object without

[1] *The Second Consulship of Stilicho*, line 113, *et seq.*

'*arrières pensées* of enhancing their own power and gratify-
'ing their own vanity, and unless too they can practically, as
'well as theoretically, abandon all claims to infallibility, they
'may do incalculable mischief. The patron (as he should be) is
'one who, by a long course of mental and moral discipline, has
'acquired the power of sacrificing his own views, even when
'he feels well-convinced that they are right, and better calcu-
'lated to arrive at effects beneficial to the classes whose interests
'he is trying to advance, than the counter projects which they
'themselves put forward. For a hundred men who are capable
'of at once surrendering their private interests, when those
'interests are adverse to benevolent objects, there will hardly be
'one capable at all times of sacrificing his theories. . . I am
'afraid if we were all marched through Madame de Genlis',
'Palace of Truth, and each obliged to answer an inquiry as to the
'belief in his own infallibility, the number of Popes would be
'found immense!

'But the difficulty does not end here. Probably the opinion
'of the patron, as opposed to that of those patronised, will in
'any particular instance be right. The chances are much in his
'favour. Even then it is often wise in him to give way. The
'only practicable mode of training the minds of others to right
'conclusions, is to afford them a very large measure of freedom
'to go wrong.'

To Rosamond Davenport-Hill.

'*Chez* M. JEAN DOLLFUS, MULHOUSE, *Aug. 27th*, 1863.

'Last night I supped at the house of Monsieur and Madame
'Schweisgut, friends of Madame Bodichon, who received me on
'her account with great cordiality. It was a festive occasion,
'to celebrate the baptism of a granddaughter. Finding that it
'would be acceptable to propose the health of the *nouvelle*
'*chrétienne*, I did so in a speech which had at least the merit
'of brevity. The grandfather proposed the intimate alliance of
'France and England, a compliment which I acknowledged in a
'still shorter speech—being deeply impressed with the truth of
'Goethe's maxim that in speaking your own language you say
'what you please, but in speaking a foreign tongue you only

'say what you can. Among other *open sesames* I found your 'uncle Rowland's name very potent, and I shone brightly by 'reflected light. The public duties of M. Dollfus at Colmar 'have prevented him from giving me so much of his society as 'I could have wished, but he was good enough yesterday morn-'ing to leave the Conseil-Général, and come here for the pur-'pose of passing so much of the day as he could spare with 'me. . . . I do not think there is a single point connected with 'the comfort and advancement of the humbler classes, on which 'we have any difference of opinion. Indeed, his views for the 'future seem constantly extending with the success which 'has attended his endeavours. For instance, we have been 'considering the possibility of reconciling the difficulties of 'manufacturing employment for the wife, without calling for 'attendance at the factory; and he has satisfied himself that 'it is practicable, by a new invention, (which I have seen in 'operation at his own extensive works, combining many distinct 'buildings) to carry motive power to every house in the *Cités 'Ouvrières* so that the wife may remain at home, stopping her 'machine whenever it is necessary to attend to her family 'duties. 'M. D. HILL.'

From Mulhouse he went to Constance, where he sought the boulder-stone which marks the spot of the martyrdom of Huss and Jerome, and, as he tells his wife, stood uncovered before that great memory. By way of Bregenz he reached St. Gall, which impressed him as the abode of much comfort, and some moderate wealth. Extreme poverty, he was told, is unknown there, and—'to find myself in a town of which this can be 'justly stated, always surrounds me with a sort of balmy 'atmosphere.' Absolute toleration of creed between Catholic and Protestant was another pleasant feature of the place; and yet another, was its fine public library, one of the earliest collections of books in Europe. Making his way to Zurich, he spent some days there, being again the guest of M. Dollfus at his villa on the border of the Lake.

The traveller visited the prisons of some of the towns at which he stayed, and, in conversation with the Federal Minister

of Justice at Berne, obtained a general view of the prison question in Switzerland. Although each canton, being an independent State, pursued its own course, there was a common progress towards reformatory treatment. The principle of remission of punishment for good conduct, was making way. Unhappily its corollary of a provisional discharge had not been adopted. The minister, to account for this, said it was understood the plan had worked ill in England. Thus had the mal-administration of the Ticket-of-leave Act besides producing incalculable mischief at home, checked the extension of a valuable principle abroad.

To Margaret Hill.

'HÔTEL GIBBON, LAUSANNE, *Sept. 13th*, 1863.

'It is now half-past two P.M.; I go at three to Neuchâtel. I 'have taken a silent and eternal farewell of Lake Leman, stand-'ing on a platform which commands even a finer view than that 'we enjoyed from the hotel, because embracing more of the 'mountains. To-day they are clothed in that vaporous gauze 'which enhances, while veiling, their beauties. Their grey-blue 'tint is also that of the water. I looked upon them from over the 'rich green meadows, thickly tree-spread, which stand between 'the town and the lake. The verdure was of earth, but a 'paradisaical earth. The mountains and the lake were neither 'earth nor heaven, but they stood away from the trees and 'meadows as part of another and higher creation—another 'order of beauty! The scene has deepened the impression, 'always you know strong, of the wonderful superiority of land-'scapes in which fine, purely white, mists play their part, over 'the naked objects of the far south, thrusting themselves upon 'you without reserve or delicacy.

'Well, my beloved, every step I take will now bring me 'nearer home—there I trust to rest until I go to that last home 'from which we are neither of us far distant.

'M. D. HILL.'

To the Same.

'DIJON, *Sept. 16th*, 1863.

'. . . We passed the Castle of Joux where Toussaint was im-'prisoned and died, and there I registered another curse to the 'memory of his assassin, "Napoleon the Great." Joux is also 'celebrated for the confinement within its walls of Mirabeau, by 'virtue of a *lettre de cachet* obtained against him by his father.

'At Neuchâtel I made inquiry, but without effect, for the 'residence of Mr. Senior's friend, to whom he gave me an intro-'duction. Curiously enough Mrs. Senior and her daughter-in-law 'were at my hotel at the same time, but I had utterly forgotten 'the former, as she had me. They came here by the same 'train as myself and to this hotel. At supper, our only meal 'since an early breakfast, I happened to sit next the younger 'lady, who is a very ardent women's rights advocate. We had 'some *badinage*, and she told me, in spite of my earnest pro-'testations to the contrary, that she feared I was a scoffer. 'Mary Carpenter was, I found, the goddess of her idolatry. 'This morning, before leaving for the train, she came of her 'own accord to shake hands with me. After she was gone I 'saw the names in the visitors' book. Among other joking, 'having learned that Mrs. Senior, junior, was a member of the 'Langham Place Association, I spoke of the fire there, and told 'her it was supposed to have been caused by the heat of debate 'among the ladies. She resented this imputation with sufficient 'warmth to support the hypothesis.[1]

'This morning Sir Erskine Perry, who it seems slept last 'night at this hotel, came up to me. What an assemblage of 'Woman's Rights' advocates![2] 'M. D. HILL.'

[1] Mr. Senior had been staying at Heath House just before Mr. Hill went abroad, and had given him several introductions to friends in Switzerland. His daughter-in-law was the late lamented Mrs. Nassau J. Senior. Until some years after the meeting described she did not know who her fellow-traveller was, but remembered his venerable appearance, and charm of manner; and, on reading the above letter, recollected also having assumed the defensive against his feigned attack upon Women's Rights, for the sake of eliciting his fun.

[2] Sir Erskine Perry brought in the first Bill to amend the law relating to the property of married women.

To Rosamond Davenport-Hill.

'PARIS, *Sept.* 18*th*, 1863.

'. . . This has been a day of business, the most important part 'of which was to order the bonnets! I felt the weight of respon- 'sibility was too heavy for a single pair of shoulders, and those 'of the male sex. I therefore went to seek Madame de Pontés, 'but she is gone into the country. When I found that I could 'not obtain her assistance, I applied for that of my landlady, 'a pretty genteel Frenchwoman, who took me to a shop in 'the Rue de Choiseul, where we held solemn council—the 'landlady, the two *dames modistes*, and myself, my part being of 'course of the most subordinate character. I was shown bonnets 'of the very newest fashion, and much instruction was poured 'over my mind, on stuffs, velvets, muslins, colours, *garnitures*, '&c., &c., but, from the stony nature of the soil, it did not sink 'in, but ran off from the surface. However, with regard to dear 'mother's bonnet, I impressed the *modiste* with the necessity of 'maintaining a *goût sévère*. For those of the *demoiselles* I 'thought a little giddiness might be in keeping.

'*Sept.* 22*nd*.

'The sun rose this morning, but that is a trifle. The sun has 'burst through the clouds, but that is nothing. What *is* of 'importance is that the bonnets are come, and I am satisfied 'with them! But I am satisfied because my landlady is; for 'bonnets conform to no principle of beauty with which I am 'conversant . . . At 8 A.M. I went to M. Demetz, and met with 'a hearty greeting as you may suppose. He mourned over my 'inability to visit Mettray where my arrival, he says, would have 'been a *fête*. He appears to me to have grown younger since 'I saw him two years ago. He was full of energy and high 'spirits. His *Maison Paternelle* is very successful, and although 'it imposes upon him the duty of frequent journeys, and other- 'wise adds to his labours—already more than the youngest and 'strongest ought to encounter—yet he expresses himself as over- 'flowing with happiness.[1] 'M. D. HILL.'

[1] The *Maison Paternelle* is a department added to Mettray in 1855, for the reception of the sons of wealthy parents where, under discipline adapted to their case, a large proportion are reclaimed from evil.

To Lord Brougham.

'HEATH HOUSE, *Sept. 27th*, 1863.

'. . . In Switzerland, M. Dollfus lent me a *Mémoire*, written 'by your colleague in the *Institut*—M. Reybaud,[1] on the State of 'Cotton Workers in France, Switzerland, and England. It is an 'admirable work. The facts gathered from actual inspection, 'aided by all other available information, the treatise based 'upon enlightened and humane principles, and the work written 'in the best style of French prose, which I confess to admiring 'exceedingly. When I returned to Paris, I used the name of 'Dollfus to make his acquaintance. He received me with great 'cordiality, and I have various letters from him, discussing 'questions of education on which we had conversed. I consider 'the acquisition which I have thus made, as one of the best 'results of my journey. He understands English, but does not, 'or will not, speak it, so that I was obliged to toil on in bad 'French, which, bad as it was, did not come forth without great 'labour on my part. 'M. D. HILL.'

Although M. Reybaud had visited the manufacturing districts of England, he was little aware of the footing Co-operation had obtained there.

To M. Louis Reybaud.

'HEATH HOUSE, *Nov. 26th*, 1863.

'With this letter I send by book-post a copy of the *Co-operator* 'for the ensuing month. You will observe that a few weeks 'ago the foundations of two large buildings for co-operative 'purposes have been laid in the town of Manchester, the cotton 'metropolis,—a pretty strong proof that even in the heart of 'the district suffering most intensely from the cotton famine, 'Co-operation, though sorely tried, has been able to stand its 'ground. This fact, supported as it is by so many others (as 'you will find in reading this little pamphlet), seems to me to

[1] Louis Reybaud, whose lively satires, of which *Jerome Paturôt* was the hero, won for him a wide reputation before he became distinguished for his graver writings on political and social science.

'establish the stability of the co-operative principle beyond all 'doubt.

'That particular associations have failed, as they will continue 'to fail, no more disproves the truth of the principle than our 'daily list of bankruptcies in ordinary concerns proves that the 'principle on which *they* are established is fallacious. Ignorance, 'indolence, extravagance, and rashness will produce their effects 'under any system of trading that can be devised.

'Let me particularly recommend the speech of Mr. J. E. 'Edwards. I know him personally, and have formed a high 'opinion of him. Mr. William Cooper's letter is also very 'well worth reading. I know him too, and have the highest 'opinion of him. His statement may be relied upon implicitly. 'It may recommend him to your notice that he seems to take 'your view of the American question, which is very popular in 'the cotton districts; a circumstance which may lead you to 'believe that those who take the opposite view are not led to it 'by interested motives, seeing that the population whose 'interests are most deeply affected are running in a counter-'direction to them.

'I had the pleasure of writing to you a few days ago, on 'concluding the perusal of your admirable *Rapport*.[1] I feel as 'one does in parting with an intelligent friend and guide 'who has accompanied us, day by day, through an interesting and 'profitable journey.

'Ever, my dear Sir, yours most truly,

'M. D. HILL.'

From M. Louis Reybaud.

'*Le Juin* 3, 1864.

'. . . Je suis d'autant plus coupable de ne vous avoir pas 'écrit plus tôt, que votre nom a été en ligne de débat dans 'notre Académie, et précisément dans notre section de morale. Il 's'agissait du remplacement d'un correspondant étranger, 'l'archévêque Whately de Dublin. Vos ouvrages vous ont 'signalé comme devant, même à votre insu, figurer avec honneur

[1] The *Mémoire* mentioned in the preceding page.

'parmi nos candidats. Un courant plus fort a prévalu en 'faveur de Mr. Edwin Chadwick; mais vous avez eu, au vote 'final, quatre voix qui vous sont restées fidèles. . . . Si vous 'n'avez pas eu le nombre, il n'y a pas à se plaindre pour la 'qualité. M. Guizot, avec qui nous avions causé de vous, s'est 'également montré d'une bienveillance parfaite. Tout ceci, 'mon cher monsieur, est déjà vieux de date, et peut-être en avez 'vous eu l'avis. Je crois pourtant que je pouvais seul y 'ajouter les détails qui précèdent. . . . Adieu, mon cher et 'excellent monsieur. Je prends ma revanche d'un si long 'silence, et vous tiens au fait des sujets sur lesquels je m'exerce. 'Je sais combien ils sont familiers à votre haute expérience, et 'je suis convaincu que je n'abuse pas de vos moments en vous 'ramenant sur des questions que vous avez traitées en maître, et 'qui vous occupent dans vos laborieux loisirs.

'Je vous serre cordialement les mains, et suis, avec une 'profonde estime,

'Votre bien affectionné,

'L. REYBAUD.'[1]

To Mr. Knight.

'HEATH HOUSE, *Dec. 12th*, 1863.

Having acknowledged with affectionate warmth the first volume of *Passages of a Working Life*, Mr. Hill continues:— 'In perusing it I was much impressed by the candour with 'which you speak of your early views as containing an alloy of 'error. Your intellectual progress reminds me of a line or two 'in the glorious *Areopagitica*—"Where there is much desire to '"learn, there, of necessity, will be much arguing, much writ- '"ing, many opinions; *for opinion in good men is but knowledge* '"*in the making.*" Your life has been an exemplification of this 'truth; and I have known others, far your inferiors in talent, 'who, by dint of honest intentions and upward aspirations have 'worked their way from wrong to right. Your avowal will do 'much good. It will teach young writers that they must not

[1] It is regretted that want of space forbids the insertion of several interesting letters from M. Reybaud, in which he treats of the condition of the industrial classes, and of education.

'expect to retain their opinions, and that therefore the modera-
'tion of which you also give—and always gave—them an
'excellent example, is true wisdom. As you know, I honour
'the memory of Robert Southey, and consider him as far above
'Coleridge in moral worth, as below him in all the realms of
'intellect. Yet how much is he lowered in my estimation by
'the violence of his youth in the promulgation of his favourite
'nostrums, when that youthful violence is compared with his
'intolerance in the writings of his mature age of opinions
'identical with his own in early life! The author of *Wat Tyler*
'should have been the last man to pronounce reformers worse
'than housebreakers. . . 'Your old friend,

'M. D. HILL.'

To the Same.

'*June 26th*, 1864.

'. . . For your second volume accept my best thanks, as also
'those of my wife, who—more prudent than I was—husbands
'her pleasure by reading it a little at a time, and not, as I did,
'devouring it at a meal. I do not know if she would like me
'to tell you of the emotion which some passages have caused
'her, but you will be gratified to learn that in the midst of her
'infirmities you have afforded her an exquisite and prolonged
'gratification; and her sources of enjoyment are now so limited,
'while the sources of pain are so numerous, that I hail as a
'treasure such a gift as you have made to us—a treasure not
'likely to be repeated until the advent of your concluding
'volume, to which you probably look forward with mingled
'feelings, considering the labour the two first must have caused
'you. . . . When I spoke of the pleasure I had had in reading
'the book, I forgot, for the moment, the drawback which came
'even during its perusal. I cannot reflect without the deepest
'concern on the pain, sometimes intensified even to misery,
'which you must have suffered from that fearful spoliation—the
'accursed paper-tax. Thank God some alleviation came before
'you were utterly crushed, and thank God, you have survived
'to enjoy the advantage of its total repeal!

'M. D. HILL.'

The Tercentenary of the birth of Shakspere was celebrated at Birmingham—the metropolis of the Midlands, and containing half the population of the poet's own county—with fitting enthusiasm. A "Shakspere Club" had existed there for some time. Three years before the anniversary of 1864 it had occurred to the President, the late George Dawson, that an addition to the existing Free Library, comprehend not only every edition of Shakspere's works, but, as far as possible, all that has been written upon them, would constitute a rational and worthy memorial to the object of their homage. A beginning had been made, and the Club availed themselves of the festival to present this nucleus to the town by placing it in the hands of the Corporation, the gift being offered at a public breakfast on the morning of the birthday. The Recorder was invited to perform this agreeable task, in accordance (as he suggested in the brilliant speech in which it was accomplished), with the usage resting upon long prescription which, by a sort of economical division, allots all the labour to one and all the honour to another—declaring himself to be the one person connected with the library who had done nothing.[1]

To Mr. Knight.

'EDGBASTON, *April 23rd*, 1864.

'The breakfast has gone off satisfactorily. My announcement 'of your gift was received with enthusiasm. I read the paragraph 'about diffusion, and your pride in assisting the promotion of the 'Memorial Library, from your letter of the 21st, amidst much 'applause. The collection of books is already considerable for 'a commencement. The Birmingham Book Club, an institution 'a century old, has sent a copy of your Pictorial Edition. Dr. 'Ingleby has given his *Variorum*, and somebody else a *Boydell*, '&c.[2] You could not but have been gratified had you witnessed 'the heartiness with which your name, or any reference to your

[1] The speech was fully reported in the *Birmingham Daily Gazette* of April 25th, 1864.

[2] At the anniversary meeting in 1878 it was announced that the total number of volumes in the Shakspere Library was 6,794, of which 295, given during the past year, represented fifteen different languages.

'services, was received; and in conversation during the day 'with strangers, I was glad to find how the plain good sense 'of your comments had made its way into the minds of readers, 'and had led them to discard the elder school of critics.

'M. D. HILL.'

'That was an admirable speech about Shakspeare' wrote Miss Cobbe from Italy. 'How many things were run together 'into the mould to make your father! There must have 'been a great melting-pot somewhere, in which a variety of 'possible philosophers, historians, poets, critics and humourists, 'were ruthlessly boiled down!' 'His speeches shine and burn 'with life,' wrote Professor Craik,—'I wish I had heard them.'[1]

A visit promised by Garibaldi to friends residing at Clifton had excited lively expectation in all ranks in Bristol and its neighbourhood, but more especially among the working-classes. 'Rose and I came from Birmingham this morning,' Mr. Hill wrote to a brother on April 25th, 'just in time to see Garibaldi, 'whom however we did *not* see. We were admitted to the 'platform, where were assembled the Mayor and some of the 'principal inhabitants, but owing to the overpowering zeal and 'number of the mob, the Mayor and all about him—ladies 'included, were hustled, and put into some danger; and what 'was worse, were prevented from seeing the great man.' When it had become known that the patriot's sojourn was to be reduced to half an hour's halt at the railway station, the general eagerness to obtain even a glimpse of him caused precautions to be taken against a crowd, but precautions, as it proved, altogether insufficient; and it remains a matter of thankfulness that no fatal consequences marked the event. A local journal having described the group headed by the Mayor, who were on the platform to greet Garibaldi, relates how the crowd of roughs broke all bounds, and swept with the force of the Sheffield deluge through the station, bearing everything before them, when another popular torrent met it, and the two forces, like

[1] A second had been delivered at the dinner given by the Shakspere Club, which closed the festivities. 'The Recorder returned thanks for "The three Services" 'in a speech full of humour, which was accompanied by a continual chorus of 'laughter,'—is the preface to the local report of the address.

opposing currents, kept the whole official array tossing about and swaying to and fro, until they were helplessly and hopelessly scattered. 'A gallant charge of policemen,' it goes on, 'bore the worthy bankruptcy Judge already indicated, from the 'crush, just as the last spark of judicial breath was being 'squeezed out of him, in which case Government would have 'fallen in for a good piece of patronage, and the city lost a 'most gifted and benevolent citizen.'[1]

It was not known to the lively writer that Mr. Hill seeing Mary Carpenter (whose enthusiasm even exceeded his own) pressing towards Garibaldi's carriage, terrified lest she should be crushed, plunged after her into the crowd, and bore her off in safety. Unconscious or unmindful of her danger, she lamented a rescue by which she lost the chance of beholding the hero's face; but—'when Mr. Hill himself called me back, she added, 'I could not refuse to come.'

To be present at the granting of the Honorary Degree of D.C.L. to his brother Rowland, Mr. Hill went to Oxford on the 8th of June. *Punch* says:—'Sir Rowland Hill came to receive 'his crowning honour—the Man of Letters in the Home of 'Learning. Again and again came the cheering in a storm, 'and had the grateful under-graduates known that an earnest 'and thoughtful face, with white hair around it, on the Vice-'Chancellor's right, was that of a brother who had come to 'see his brother receive his guerdon, another cheer would have 'gone out for Matthew Davenport Hill.'

To Miss Frances Power Cobbe.

'BIRMINGHAM, *Oct. 25th*, 1864.

'I am kept out of Court at the instance of my physician, who 'threatens me with bronchitis. Your charming book,[2] which I 'have nearly finished, is carrying me through the day only too 'rapidly. What a harvest of observation, thought, reading, and 'discourse, have you brought home from Italy! I am too much

1 "Garibaldi's Ten Minutes in Bristol," *Bristol Times*, April 30th, 1864.

2 *Italics.*

'overwhelmed with it to talk much about it .... I am amused 'with your humility as regards your sex—said humility being 'a cloak which, opening a little at one page, discloses a rich 'garment of pride underneath (*vide* page 438 towards the 'bottom). I say no more, only as I don't mean to give up the 'follies of youth for the next eight years, that is until I am 'eighty, I don't choose to be called "venerable"—one might as 'well consent to become an Archdeacon at once! Your por-'traits are delightful. Some of the originals I know, and the 'likeness is good, but alas! idealized.

'To call your book a "trifling" work is just as absurd as to 'call me "venerable." It deals nobly, fearlessly, and I will add 'in many parts profoundly, with the greatest questions that can 'employ the human intellect, or touch the human heart; and 'although I do not always agree with you, I always respect 'your opinions, and learn from the arguments by which they are 'supported. But certainly in the vast majority of instances I 'do agree with you—and more than agree, which is a cold 'unimpressive term. 'M. D. HILL.'

To Mr. Knight.

'HEATH HOUSE, *May 29th*, 1865.

'. . . I am pleased to learn that you are engaged on your '*Old Booksellers*. Like you, I have a great respect for Richardson's 'talents, and can even read his works again with pleasure, 'which I attribute mainly to the wonderful reality of his 'figures. Each letter-writer shows him or herself and the 'other *dramatis personæ* in a new aspect, and all the aspects 'taken together make a wonderful and consistent whole—'due allowance being made for the passions and prejudices 'of the writers, which allowance the author's genius enables 'him to convey to the mind of the reader .... Sensational 'works—if the designation *works* is so far to be profaned—'are, as you well know, as offensive to me as they are 'to you; but that does not prove that they are without 'their use. Read what John Plummer says in his Auto-'biography, as it appears in *Our Exemplars*.[1] Sensation tales he

[1] First and Second editions.

'considers, and he judges from his personal experience, furnish 'the only stimulus which will draw the half or quarter-taught 'urchin through the difficulties of reading a book, difficulties 'which were in our own cases surmounted at so early a period 'of life as to have passed into oblivion, but which oppress 'many an one, not only juvenile but adult, to an extent which I 'am disposed to think is much undervalued. Children who are 'poor in parental tutelage—the most melancholy of all poverty— 'learn but little at school, which they attend with irregularity 'and without the usual motives to learn. The school-time of 'their life is but short; they acquire but little, and of that 'little, from desuetude, they lose much. The garish woodcut 'representing some melo-dramatic scene, and the sensational 'text, stimulate their curiosity to the point of enabling them to 'spell their way through all impediments; but it does not follow 'because the reader begins his student life by feeding on such 'miserable *pabulum*, that he will continue it. Some of the 'hardest students I have known have passed through that stage. 'Dean Milman told me that when at Eton he read every novel 'in your father's circulating library. My wife, when little more 'than a child, spent almost all her pocket-money in novel- 'reading,—my brother Arthur did the same, and then plunged 'into study with such ardour as to ruin his eyesight. Both he 'and my wife soon began to loathe the sort of literature which 'so charmed their immature minds. Of Milman's powers of 'hard mental labour we are well informed. After all, John 'Plummer's is the strongest case, he being utterly without any 'other but self-guidance in making his way through the laby- 'rinth; and he says, emphatically, that he owes his power of 'reading fluently to sensational stories. I am sure you will 'admit that to encounter, at one and the same time, the diffi- 'culties of reading at all, and the difficulties of reading "hard" 'books, are enough to damp that feeble desire of literary or 'scientific knowledge, which is certainly characteristic of the 'million, whether in youth, manhood, or old age.[1]

'M. D. HILL.'

[1] At the Conference of Librarians held in London in October, 1877, the statements of Baron de Watteville, Director of Science and Art in the French Ministry

To Dr. Wines.

'HEATH HOUSE, *June 28th*, 1865.

'. . . Your book is a mine of instructive facts.[1] The report 'on the County Prisons is a monument of useful toil on a 'repulsive task. The perseverance of your Association is a 'striking example of devotedness, for, considering that the 'present *Report* is your twentieth annual exposure of public 'duties neglected by the people of your State, your indomitable 'persistance well deserves to be styled heroic. In each nation 'evils have to be encountered from which the other is free. 'Probably both England and the United States may over-'estimate defects with which they are not respectively charge-'able, and this may account for my estimation of your misfor-'tune in the absence of permanent Governors of your Gaols, 'being so high as it is. But it seems to me to present, so long 'as it remains, an insuperable bar to improvement.

'Another defect which strikes me forcibly is the loose 'practice which obtains in the administration of justice, the 'pardoning power exercised by inferior officers, and the *quasi* 'pardoning power exercised by your district attorneys, who act, 'I presume, as public prosecutors; for to commute the offence 'for which a prisoner is committed to a lesser one upon which, 'on a permitted plea of guilty, he receives a sentence, would 'seem to be a most dangerous power, and one which calls for 'much restriction. From the *Report*, I do not quite collect 'whether these powers are legally exercised, or whether they are 'usurped. I have observed, or think I have observed, through-'out the administration of justice in the United States, a degree 'of laxity very startling to those whose habits of thinking have 'been formed in the conduct of legal affairs on this side the 'water, where we fall into the opposite error (or rather until 'late years *have* fallen) of a pedantry, alien to reason and 'justice.

'I feel confident that you will take no offence at my frank-'ness. I have never spared the laws of my own country when

of Public Instruction, founded on the experience of 17,000 libraries attached to elementary schools, strikingly confirm this opinion.

[1] *Twentieth Annual Report of the New York Prison Reform Association.*

'I thought they deserved animadversion; and I am sure I shall 'receive any strictures on our shortcomings from your pen, or 'those of your friends, in a docile spirit. . . We owe much to 'American suggestions already, and have no objection to increase 'our indebtedness.

'M. D. HILL.'

A short summer holiday was spent in Ireland, and in a pamphlet published after his return, Mr. Hill registered the confirmation of his hopes from the Irish Convict System.[1] He had directed his inquiries to the crucial test of the prisoners' conduct after liberation. The narrative included the report of a conversation (taken down in shorthand) between himself and three large employers of labour, who, during the past six years had taken men into their works from Smithfield Intermediate Prison, sometimes allowing them to occupy positions of great trust. Their testimony was highly favourable. One of them spoke of fifty builders and contractors who to his knowledge employed ex-convicts. He, himself, had had as many as twenty-four at a time, working for him. He preferred them to the common run of labourers,—'They have more to lose . . . They 'are reluctant to join in strikes, because a character after a long 'service is the best means of restoration to a place in society. I 'find them most temperate . . . . respectful and not disposed 'to be quarrelsome with others. *The habits of the gaol stick by 'them*'—words, which under a different prison administration would have been considered condemnatory, had become a certificate of good conduct. That which must always be the result of a truly reformatory system had been attained. It was recognized as a moral gain to the prisoner to have been in prison. His detention had increased his value as a free man.

Similar testimony in behalf of female ex-convicts is cited from the lips of Dr. Lentaigne (Inspector of Prisons), who for eight years had employed them in his own house. One of these, he said, after being six years in his family, still continued there, and ranked with the best servants he ever had.

[1] *Journal of a Third Visit to the Convict Gaols, Refuges, and Reformatories of Dublin and its Neighbourhood*, by the Recorder of Birmingham and his Daughter. Longmans, 1865.

When Lusk was visited, the chief officer and schoolmaster were absent, and the only restraining power was represented by their deputies. Locks and walls there were none. The men had gathered in the largest hut and were quietly reading and writing. The unexpected arrival of the English visitors, with their host, Mr. Cobbe (whose estate is within three miles of the little convict colony), seemed to be felt as an agreeable episode on the wet Sunday afternoon. The guests sat down and fell into conversation with the men, asking their opinion of the system. As a whole it appeared to be thoroughly approved, but of some details a few spoke with strong dissatisfaction. In the argument which thus arose—'While it would have been gratifying to us,' say the diarists, 'to find the desires of the 'whole body in conformity with our views of what is best for 'them, we appreciated fully the sincerity and respectful frank-'ness with which the dissentients avowed and maintained their 'opinions. The minds of all were evidently open to reason; 'and we had grounds for believing that upon each question 'proposed the large majority had formed what we deemed a 'sound judgment.

'Like the Smithfield men, they have almost invariably good 'countenances; indeed it struck us that they were decidedly more 'intelligent and frank than those of the average of men of the 'working-class out of prison. Their reputation in the neighbour-'hood corroborated these favourable impressions, none of the in-'habitants having suffered the slightest loss or injury through 'the eight years of their sojourn [in the course of which fourteen 'hundred men had been located at Lusk]. Mr. Cobbe assured 'us that all distrust of the Intermediate Prison, which was 'regarded at first with fear and dislike by the surrounding 'parishes, has long since passed away.'

Writing from Dublin, to Colonel Henderson, then Chairman of Directors of the English Convict Prisons, Mr. Hill after expressing his gratification at the progress indicated by the newly issued *Report* of that Board, continues—'I observe with satisfaction that 'you find your approach to the Intermediate stage of the "Irish '"system" encouraging. May it in time cease to be an approach 'only! I am aware of the difficulties created by controversy,

'and do not expect an assimilation in form and in name, of the 'English, to the Irish treatment; but I trust the day will come 'when the two will differ only in unessential details.[1]

'I have now visited Ireland for the third time, with the 'object of inspecting its convict prisons and reformatories. Eight 'years have passed since my first inspection, and I am more 'and more pleased every time I come. Both prisons and refor- 'matories are under the influence of the great principle that 'nothing should be enjoyed by the prisoner which he has not 'earned by industry, and retained by good conduct; and, on the 'other hand, that no opportunity should be neglected of giving 'him the means of earning benefits at all stages of his progress, so 'that hope may always be kept in a lively state—expecting not 'only the great boon of abbreviated imprisonment, which may 'be too remote for daily excitement, but some minor advantage 'quickly to be obtained, and yet, by its wholesome effect on his 'aspirations and his habits, carrying him onwards to his main 'object.'

A long evening spent with the friend of early Circuit days Sir Alexander MacDonnell, Chairman of the Board of Education in Ireland, and a visit to Professor Craik at Belfast, were pleasant incidents in Mr. Hill's tour. The historical associations connected with Derry were brought vividly before him by his happening to arrive at the little city on the day the "'Prentice boys" celebrate the anniversary of their predecessors' patriotic deed. The Giant's Causeway was seen to advantage; but illness and bad weather detracted from his enjoyment of the beautiful scenery of the north-east coast on his way to embark at Belfast, whence he quitted Ireland for the last time.

He carried away with him the conviction that reformatory treatment for the young, as well as for adults, was firmly established in the Sister Island. It had passed successfully through the dangers of sectarian differences which threatened it at starting. Protestants and Catholics alike had sought his advice in avoiding

[1] The author of *Memorials of Millbank* describes the experiment as successful, by which, in 1875, English convicts were hutted at Wormwood Scrubs and employed, in semi-liberty, under the direction only of a few warders, in building the new gaol there —*Memorials, &c.*, p. 286.

these dangers, and to his far-seeing and temperate counsel representatives of both faiths acknowledged their debt. That which might have been a fresh cause for strife, had proved a bond of new-born sympathy.

To Lord Carlisle Mr. Hill largely attributed the striking success of the reformatory movement in Ireland, apart from its dependence on the actual workers in the cause. As Lord-Lieutenant, his unflagging interest and co-operation aided much in bringing different parties in the country into harmonious action.

Aid had come too from abroad, in regard to obtaining a wider acceptance of the Crofton System. Writing to M. Bonneville de Marsangy, Mr. Hill says:—'We have been sustained 'and encouraged by an almost unanimous opinion in favour of 'our principles entertained by foreign Jurists. The venerable 'Mittermaier, my friend Demetz your illustrious fellow-country-'man, Baron von Holtzendorff, who has studied the subject 'with great industry bringing rare sagacity to the task, the 'lamented Van der Brugghen and others, not omitting the cele-'brated Minister, Count Cavour, now, alas! lost to the world— 'all have shown that when the mind is free from the trammels 'of office, and is moved only by the impulse of reason, informed 'by observation and study, it soon becomes convinced that the 'reformation of criminals is no impossible task, if conducted 'with intelligence, firmness, and kindness.'

From Mr. Knight.

'HAMPSTEAD, *Oct. 22nd*, 1865.

'Your Irish visit with your daughter is one of your most 'interesting contributions to Social Science. I wish you would 'do more in the same agreeable form. It is probably a failing 'of my age that I want truth to be presented to me in a less 'didactic shape than your Sessions charges, readable as they are. 'Ah, if you would write down your recollections of the actual 'things you have seen in your course of philanthropic inquiry, 'and judicial experience! You have done much of this, I know, 'as at Mettray. But what a story you might tell of your ac-'quaintance with criminal life as counsel and judge! But I 'was going to exhort you not to do too much, and now I want

'you to do more! We are both of us of natures to be fancying 'that there is still work for us that we are called to attempt—

> '"That which they have done, but earnest
> '"Of the things that they would do."

'Palmerston's death has set me wishing that I was a few years 'younger and stronger to write another volume of my *History*. 'What a story from 1849 to the dissolution of Parliament, '1865! *Coup d'état* and French empire, Russian war, Indian 'mutiny, China, War of Secession in America—and, amidst these 'stormy sixteen years England still going on with her greatest 'social improvements, and becoming more and more powerful 'and prosperous. One cannot help dreading that some great 'change is coming. Psha! We must defy augury.

'CHARLES KNIGHT.'

The year 1866 brought a great change to Mr. Hill. Advancing years compelled him to resign his Recordership. This step he took with reluctance. He had become attached to an office which had afforded him opportunity to lay before the nation subjects he regarded as demanding its gravest attention, and to win for them its favourable consideration; while the office itself had come to be one of dignity from the position he had thus attained in the public estimation. The following remarks expressed, it is believed, a very general feeling.

'From time to time,' said the *Birmingham Daily Post*,[1] 'the 'country has turned with respectful attention to the Sessions 'Court of Birmingham; and the views enunciated there, and 'the arguments by which they were supported, have not un-'frequently modified and corrected, and sometimes even created 'public opinion, upon a wide class of questions affecting the 'administration of justice and the treatment of criminals. At 'first, indeed, Mr. Hill shared the common fate of reformers 'who are in advance of their generation. He was vigorously, 'and sometimes even rudely, assailed, and occasionally he was 'laughed at by the small wits of the newspapers. But by 'degrees his persistence ensured an attentive hearing, his

[1] January 10th, 1866.

'earnestness silenced ridicule, the soundness of his views was 'attested by their general acceptance, and at last when he 'spoke from the bench he was respectfully listened to, not 'merely by a grand jury of Birmingham manufacturers, but 'by the Legislature and the country.' The Magistrates of the Borough conveyed in a Farewell Address their sense of his dignified bearing as a judge, and profound acquaintance with the principles and practice of the law. His keen sense of justice, and happy union of firmness in the punishment of crime with tenderness towards the criminal, were also acknowledged in gratifying terms. Whenever the history of the reform of the criminal law and of the treatment of crime should be written, his name, they said, would be honourably conspicuous in the record. The feeling of the Sessions bar may be summed up in the following words of a former member, Mr. Alfred Wills, Q.C. 'There is no Court in the Kingdom where I should so much 'wish to be tried if I were innocent and friendless, or where I 'should so little wish to be tried if I deserved conviction.'

When referring to the higher judicial position which Westminster Hall had expected to be awarded him, Sir Charles Adderley wrote—'You would not, if you had had your rights, 'have been so useful during maturer years, nor had time to 'identify yourself and your name with a great reform.'

The late Professor Cairnes expressed to Mr. Hill his regret that ill health had caused the resignation, and his hope that it would secure many years of repose—'the reward,' he added, 'of a useful and honoured life, which (if you will excuse my 'presumption in saying so) I believe few men in your gene-'ration have as justly earned as yourself.' 'You have made,' said Mr. Knight, '"Recorder of Birmingham" a household word.'[1]

[1] The Town Council of Birmingham asked Mr. Hill to sit for his bust. It was executed by Mr. Peter Hollins, and is placed in the public library of the town.

CHAPTER XXIII.

To M. Reybaud on "Patronage dans l'Industrie"—Birmingham and Midland Institute — Mr. Hill's Presidential Address — To Mr. Bagehot on Trades' Unions—American Prisons—Sunday Drinking—Boarding-out System—Letter to *Hull Times*—*Kitty*—*History of European Morals*—Patent Laws—Letters to Mr. Justice Grove—Sale of Drugs—Endowed Schools' Commission—Miss Octavia Hill and the London Poor—"Literary Forgeries"—Mr. George Dawson—Darwin's *Botanic Garden*—Bankruptcy Act of 1869—The Provincial Courts Closed—Enjoyment of Leisure—"Natural History of Law"—Money-lenders—Impending Ruin to Mettray—Help from Foreign Countries—Christie's *Life of the First Earl of Shaftesbury*—Friedmann's *Constitution Rationelle* — Letter to Miss Rintoul — Characteristics of Letters — Failing Strength—Winter at Clifton—Last Attendance at a Public Meeting—Still Aids Younger Fellow-workers—Kingswood School at Heath House—International Prison Congress — Proposed Paper on Time-Sentences —Unable to Satisfy Himself—Last Illness—Death—Arno's Vale Cemetery—Conclusion.

To M. Louis Reybaud.

'*Spring of* 1867.

'I have just read with great interest your article "Du Patron-
'"age dans l'Industrie," but I confess that I am unable to adopt all
'your views with regard to patronage and co-operation. These
'views I understand to be that the amelioration of the condi-
'tion of working-men, resulting of late years from the philan-
'thropy and enlightened self-interest of the masters, will be
'greatly checked, if not destroyed, by the sources of conflict
'which have been opened, or, at least, widened, by trades-unions
'using the formidable artillery of the strike—"*une arme*,"
'however, which, as you say, the workmen have discovered is
'"*d'autant meilleure qu'elle reste plus souvent au fourreau.*" In
'point of fact, it does not consist with such knowledge as I
'have been able to acquire, that the alienation of which you

'speak between master and man is by any means so far ad-
'vanced in this country as you have been led to believe; while,
'on the other hand, the advancing intelligence of the workmen
'has brought into play several counteracting forces, to some
'of which you advert. Again, the habit now so common of
'the proprietor of a manufactory defraying the cost of an ex-
'cursion, including a dinner for his people, is a bond of union
'which has grown up within my own memory; and the good
'fellowship thus produced is often reciprocated by the work-
'men, who present addresses of congratulation or condolence,
'as the case suggests, to the masters and their families, evincing
'strong attachment; and sometimes these addresses are accom-
'panied by complimentary presents.

'Whether or not I shall be able to see you in Paris during
'the time your Exhibition is open, I know not. My health is
'very precarious; and, when not suffering otherwise, I am
'often rendered incapable of much exertion by chronic debility.

'M. D. HILL.'

Mr. Hill had been, as Recorder, present in 1855 at the laying of the foundation-stone of the Birmingham and Midland Institute by the Prince Consort. In 1857, when unable to attend the distribution of certificates from the Society of Arts to students at the Institute, he wrote to Mr. Arthur Ryland (who occupied the Chair):—'Many years have elapsed since I felt
'that if the self-educated youth could have his attainments
'assayed by competent examiners, and then duly certified by an
'instrument which should be of admitted authority, a very large
'proportion of the vantage-ground which the young man who
'now enters on active life with the prestige of a diploma enjoys,
'would be gained by his self-educated competitor at one bound.
'I hope I am not over sanguine; but I look to your meeting of
'to-morrow night as the inauguration of a new era in my native
'town.'

In 1862 the practice arose of asking some gentleman of note connected with the town or its neighbourhood, or who was known to the public for his active interest in promoting the education of the people, to be the annual President of the

Institute: each marked his assumption of the office by delivering an inaugural address. Mr. Hill, when invited to be President for the year 1867, felt that this address would be his last effort of the kind; and he spared no pains to render it worthy of the occasion.[1] Notes found among his papers show that for many months before its delivery on the 30th September, his mind had been occupied in its preparation.[2] He began by briefly reviewing the impediments which formerly had barred all attempts to found such an institution, and pointed out those which still remained to retard its progress, with the purpose of showing how they might be removed. He sketched the industrial history of the town, illustrating both his argument and his narrative with lively anecdotes and glowing eulogiums on the great men whose achievements had rendered Birmingham famous in the annals of manufacturing progress. Of the foremost among these he says—'Bolton and Watt! Glorious names, joined by links 'which none of the many vicissitudes of their lives could sever, 'and which death has only the more firmly rivetted. Theirs 'was indeed "a holy alliance"! Each contributed to the com- 'mon stock many rare and precious endowments, forming a 'whole of incomparable value, such perhaps as no single indi- 'vidual ever possessed.'

His survey led him to speak of the invention by Mr. George Frederic Muntz, of the "yellow sheathing" for ships. This consists of a mixture of copper and zinc, which, while sufficiently corrosive to repel the adhesion of vegetable or animal matter, yet dissolves so slowly as to form a protection to the hull of the vessel. Mr. Hill had been Mr. Muntz's counsel in the suit by which, in 1844, he had successfully defended his patent. He now demonstrated so clearly his client's claim to the invention, that on reading a report of the address, Mr. Thomas Webster (the eminent patent lawyer), counsel for Mr. Muntz's opponent, acknowledged the latter to have been in the wrong.

[1] His predecessors were, from 1862 to 1866, Sir John Pakington, Mr. William Scholefield, Mr. Adderley, Lord Wriothesley, and Lord Harrowby.

[2] *Address delivered at the Birmingham and Midland Institute* by Matthew Davenport Hill. London: Longmans and Co.

The cry, often repeated, that the lack of technical education in the English artisan was leaving him far behind in the race with competitors of other nations, had suddenly risen to be almost a clamour. In a letter to Mr. John A. Bremner, written a few months after the delivery of his Address, Mr. Hill said:—

'The subject of education is at length taking its due proportions in the public mind. Apathy seems to be no longer the great danger, or, at least, the immediate danger, to be apprehended. I begin to be afraid of the spirit of exaggeration. The depreciation of England and everything English is become a mania among us. How, according to the present fashionable doctrine, England attained its present eminence, it is difficult to understand, and the world is so apt to take people at their own valuation, especially when it is a low one, that we run no imaginary peril of losing rank and consideration by the extraordinary chorus which is now ringing in our ears—a sort of lay *De profundis!*'

To Walter Bagehot, Esq.

'HEATH HOUSE, *Dec. 7th*, 1867.

'Your faith in Co-operation gives me great satisfaction. Doubtless, Co-operation has a long war before it; yet I cannot but hope that its progress will be quickened and its forces augmented by the enormous evils every day developing themselves, which result from Trades-unions, as at present conducted. The expression, "restraint of trade," may require limitations, but I think it will be very difficult to define them; and if, as I fear, the principle involved in the maxim *in pari delicto potior est conditio possidentis* is lost sight of, I think to the Unions will be practically left much power of mischief. The principle to which I refer is that while the law prohibits certain acts, and gives remedies for certain defaults, there is a third class in regard to which it simply withholds its interposition. For instance, it seems to me reasonable to say—"you "may make regulations that no member of your Society shall "use bricks not made in the parish where the building is to be "erected. But do not come to us (the Courts of Justice) to lend "you the power of the State for the enforcement of such

'"fallacies. We will not aid you either directly or indirectly. If
'"you raise a fund for such purposes and entrust it to a faithless
'"steward, so be it, we shall not interfere." I believe it will be
'found that this species of *non possumus* is more effective than
'it is generally considered to be; if indeed those who talk of
'changing the law ever heard of it, although it is anything but
'a novelty. It comes to us, no doubt, from the Roman law,
'and I should expect to find it recognised in the codes of all
'nations who have drawn from that source, *i.e.*, almost all the
'civilised nations in the world.

'I have been looking forward to the pleasure of a visit from
'you, but a great affliction has for the present withdrawn me
'from society. 'M. D. HILL.'

The gradual but sure decay of his wife's powers had been for some years a source of bitter grief to Mr. Hill. But accident, not disease, at last terminated her life. A fall fractured her thigh, and sinking under the shock she had expired eight days afterwards, on the 31st of October. Sorrow for her death was not allowed to prevent the performance of duty, or to check his efforts for the welfare of others; but the tender reverence with which her memory was preserved may be gathered from a letter written in May, 1872 (sixteen days before his own death), to a friend who had just lost his wife:—'I speak from experi-
'ence. . . . I believe that no compensation could be given to
'me for losing the memory of the qualities which ministered
'for nearly half a century to my comfort, and nobly sustained
'me in my moments of trial—moments of no infrequent occur-
'rence.'

To Mr. Sargant.

'HEATH HOUSE, *Dec. 12th*, 1867.

'The state of prisons in England and elsewhere, including the
'United States, was formerly pretty much the same in most
'countries, and cannot be referred to the forms of their respective
'governments. But the Americans have introduced a new
'abuse, resulting, as I believe, from the excessive application of
the democratic principle. Each election produces a change in

'the government of a prison in the United States, such as 'would be wrought in that of a manufactory by a change of 'proprietors once a year.

'As you must have observed in reading the volume you have 'reviewed, the most enlightened Americans are as much opposed 'to these perpetual changes as I am. Nor is the evil confined 'to the management of prisons. It pervades the whole adminis- 'tration of justice. Nor does it end there, but manifests itself 'in almost every one of their institutions, and it will be a hard 'thing to induce the people to give up that power of electing 'all their functionaries, and most of them for short periods, which 'is at the bottom of the mischief.

'Now such is the love of imitation of what, on the whole, 'enjoys and perhaps merits the admiration of the people, that 'I am afraid we shall be going to America for what we had 'better not import; and I therefore want the practical evils of 'this dreadful system to be brought before the English public.

'Pray read the two prior volumes, and judge for yourself. You 'will find that a considerable part of the State of New York is 'in a condition of insecurity to life and property of which 'perhaps you have at present no idea.

'I observe you speak very mildly of imprisoning witnesses 'to secure their evidence. If you look at the tables you 'will see that in the State of New York, it is not a rare oc- 'currence, but a regular practice. Formerly, instances occurred 'in England; but in my long experience at the Bar I never met 'with one, and never heard of one. I think if the experi- 'ment were tried at the present day, the judges would find out 'that it was contrary to law. 'M. D. HILL.'

A Committee of the House of Commons on "Sunday-drinking" was sitting in the early part of 1868. Mr. Hill's feeble health precluded him from giving evidence before it; but at the request of Mr. John Abel Smith, one of its members, he embodied his views upon the expediency of legislation on the subject of their inquiry, in a letter to the chairman, Sir James Fergusson. He says:—'It was not until after many years of observation and 'thought on the subject, that my mind was brought to the belief

'that any good couldbe effected by the interposition of the law, 'to which I have ever felt great reluctance to resort, without 'the pressure of overwhelming necessity. But having spent 'much time, for more than forty years of my life, in criminal 'courts, partly as counsel and partly as a judicial officer, sad 'experience has forced upon me the conviction that drinking 'habits are by far the most fertile cause of crime; and that 'when the best law that can be framed has done its utmost, 'much will remain to be effected by moral influences. . . . 'The Bill referred to your Committee applies, it is true, to 'Sunday-drinking only; but it is a great step to protect one day 'in the week from the fearful temptations which now pervade 'the whole year. And the one day chosen, it will scarcely be 'denied, is that best entitled to the choice. On that day the 'duties of each member of a family to the others are most 'disastrously impeded by habits of drinking. The example of 'the father is more immediately brought under the notice of his 'children than in any other part of the week; and it is fre- 'quently on that day that fatal indulgences are fostered among 'the young.' [1]

In the early days of Reformatory Schools, when it was necessary to impress on the public mind the essential importance of the voluntary element in their management, Mr. Hill had occasion to enforce his argument by citing the disastrous consequence of omitting that element from the direction of cognate institutions. 'We find,' he said, 'that the children of 'Workhouse Schools—too many of them at least—cannot be 'officially prevented from growing up into vagrants, thieves, 'and prostitutes. I speak of the rule; I know of many honour- 'able exceptions, and rejoice in them. But if the schools 'which form these exceptions are carefully investigated, it will 'be sometimes, if not always, found that they owe their 'immunity from the common curse to a large infusion of the 'voluntary principle. I would point to the Union School at 'Quatt, near Bridgenorth, which, under the anxious and perse- 'vering superintendence of my valued friend Mr. Wolrych 'Whitmore, has been raised out of the category to which I

[1] Appendix to the Committee's *Report*.

'grieve to learn the greater number of Union Schools in this 'country beyond all manner of doubt belong. . . . It is no 'derogation to say of a loom that it will not do the work of a 'lathe. It is not the fault of individuals that they have not 'succeeded, nor indeed of the system of which they are part. 'It is a misapplication of the system to purposes to which it is 'incompetent, that forms the true ground of complaint.'[1]

Some years later in a letter to Lord Brougham he points to a possible means of remedying the evil. This he thinks will be found in—'the practice of putting out workhouse orphan children 'to board and lodge in cottages,' since known as the "Boarding-"out system." He refers to the success obtained by Mrs. Archer, the wife of a Wiltshire squire, and to the previous experience in its favour of the late Rev. Joseph Armitstead in his model parish of Sandbach. This method of replacing the artificial training of the pauper school by the natural influences of home life, recommended itself more and more to Mr. Hill's judgment. On the occasion of his friend Colonel Grant laying evidence in its support before the Bath Board of Guardians, he wrote to him (April 6, 1869)—'I have to thank you for a copy of a very interesting '*Report* on the desirableness of boarding-out the pauper children 'of the Bath Union. I am much gratified, but not in the least 'surprised, by the conclusive evidence you have obtained of the 'good results produced by this treatment in the many different 'parts of the island in which it has been adopted. Impressed 'with the miserable consequences flowing from the old plan of 'parish apprenticeship, which I am old enough to remember in 'vigorous action, I was at first somewhat unfavourably dis-'posed towards the scheme of boarding-out. But a little 'consideration and inquiry convinced me that the resemblance 'between the two systems is apparent only; and that their 'effects must be in diametrical opposition to each other. The 'mere difference between the two periods of time at which the 'respective systems were brought into operation, stands for 'much. I am a living witness of how greatly the sympathies of 'society in all classes down to the humblest, have strengthened 'within the last sixty years; and especially as regards the young.

[1] *Daily News*, May 25th, 1857.

'But that is not the only and perhaps not the most important 'point of difference. I observe with much satisfaction how 'strongly your correspondents write on the subject of super- 'vision. In the case of parish apprentices, there was little or 'nothing which could properly be so called. To be of any use it 'is obvious that supervision must be frequent, enlightened, and 'kindly—which experience has now shown can be ensured if 'existing facilities are duly employed; whereas the poor 'apprentice had only at rare intervals reason to know that his 'parish cared to ascertain how he was treated; and its repre- 'sentative, when he came, was still more rarely a person 'qualified by station, manners, or benevolent feeling to exert a 'desirable influence over him.'

The last letter Mr. Hill addressed to the press, was upon this subject. It brought him also for the last time into relation with the people of Hull. Advocating the adoption there of the Boarding-out system, he describes its gradual extension elsewhere. Many good motives, he points out, have operated in every age, as those conversant with the history of the people well know, to induce respectable persons in humble life to take upon themselves the responsibilities of a foster-parent. The most powerful, perhaps, is the lack of children—whether from none having been born to them, or from the death or marriage of offspring. 'From whatever cause occurring,' he continues, 'a childless house is felt to be a gloomy house. An in- 'stance of ardent yearning for little inmates, came to my 'knowledge a short time ago. A skilled workman engaged in 'a manufacture which subjected him through his exposure to 'the heat and fumes of the process in which he was employed 'to strong temptation to form the habit of drinking, was carried 'away by it, and his family was eventually plunged into ruin. 'Meantime, his poor wife was bereaved by death of her two 'children. Her state of mind under this double calamity she 'described to my informant in a few striking words;—"When I '"had lost my dear boys, and John was *that*, I did not care what '"became of me!" But the husband was not lost irrecoverably; he 'could act up to his convictions, which now strongly impressed 'him with the necessity for abstaining. He took the pledge,

'and abandoned the public-house. . . . Husband and wife now 'longed earnestly to hear again the prattle which once enlivened 'their dwelling, and ventured, after a sufficient time had elapsed 'to prove the husband's cure effectual, to apply to the parish for 'a little boarder. After a very careful scrutiny by the ladies 'who have taken on themselves the task of such inquiries 'the request was complied with. . . . The husband takes great 'delight in kind offices towards the child, and it need not be 'said that such an employment of his leisure strengthens the 'expectation that his cure is permanent,—a solace to the feel-'ings of the wife it would be difficult to describe. Thus do 'pauper children not seldom return benefits to the foster family 'equal to those they receive, or even greater; and pauperism, 'for the first time in its history, exemplifies the golden words of 'Shakspere,—"There is a soul of goodness in things evil, would '"men observingly distil it out."'[1]

To Miss Matilda Betham Edwards.

'HEATH HOUSE, *May 6th*, 1869.

'I write to apologise for keeping your copy of Lecky's '*History of Morals* so long, and to ask you to excuse me for 'keeping it a little longer. The further I go into the book, the 'better I like it. My opinion of it coincides very much with 'that of the Saturday Reviewers. Lecky has philosophy 'enough for a profound historian; but fails, I think, before the 'requirements—the very high requirements—of his first chapter, 'which might advantageously to the author have been omitted, 'giving as it does a false idea of his powers. You will, I trust, 'grant the favour I ask the more readily since you are yourself 'in part answerable for the delay. Unhappily for Lecky, my 'daughters got hold of *Kitty*, whom we could not resist instantly 'taking upon our lap, and putting down Master Lecky on the 'carpet.

'Well, to speak frankly, I began with *Kitty* as I did with 'Lecky, under some feeling of disappointment. I could not at 'first realize your characters. But the work soon vindicated its 'power over us, and we read on with heightening zest to the

[1] *Hull Times*, January 21st, 1871.

'end. Yours was a bold undertaking. The character of the 'heroine is not one that can by possibility excite a deep in- 'terest; and yet I admit that it is not out of nature, and I should 'feel no surprise if I met such a person in actual life. Your 'Bohemians are full of character, though—according to my 'experience—idealized in no inconsiderable degree. Dr. 'Norman's rise in the world of science and the world of fashion, 'is a good deal more rapid than I ever witnessed, but that is 'allowable in fiction. In the drama it is absolutely necessary, and 'the novel fairly demands it unless where the story runs to the 'length of *Clarissa Harlowe* or the *Daisy Chain*. All your char- 'acters stand well out. One can walk round them,—no small excel- 'lence, in my eyes at least. Accept our thanks for your labours. 'The writer of a good novel is a great public benefactor, and has 'a claim to thanks from all readers. 'M. D. HILL.'

To Mr. Grove, Q.C.[1]

'HEATH HOUSE, *June 10th*, 1869.

'. . . Are you of your old mind about the patent law? I 'hope not. Do pray give a second consideration to my sugges- 'tion of compulsory licences. In the mouth of an inventor, I 'can well understand the force of the argument arising of the 'difficulty of putting a value on any invention in its early stage—I 'mean early stage after publication. But in the mouth of him who 'says it is so difficult to know *what* to give the inventor, that 'we will give him nothing at all, the argument comes to nothing. 'And as regards the difficulty, which I fully admit, may it not 'be very much lessened by making the licence subject to revision 'as to payment, from time to time, such times being comparatively 'brief?

'It is said that even without a patent law inventions would 'be made, just as we know they were made prior to the existence 'of such law. But even if they were made in as great numbers, 'this objection would be unsound. The distribution of wealth 'is lamentably unequal. Certain faculties are rewarded, while 'others, equally essential to progress, are left out in the cold. 'Nothing, then, but the impossibility of doing justice amidst

[1] Now Mr. Justice Grove.

'rival claimants would justifiy a repeal of the patent laws. 'That the wit of man cannot devise a perfect system—perhaps 'not one approaching perfection—I do not deny. But every 'day I live, the more strongly am I impressed with the belief 'that this is, and ever was, and ever will be, the condition of all 'human affairs; and that we must be satisfied with very 'distant approaches indeed, to what it is very desirable we 'should attain.

'Again, all the objectors whose speeches I have read, select 'one class of inventions, as if it comprehended the whole. I 'grant that when a machine, for instance, has got into the groove 'of improvement, and when there are many minds considering 'how improvement in that groove can be pushed forward, 'claimants will jostle. But the frame of mind which makes 'such persons likely to work well *quoad* that groove, has a 'tendency to disqualify them from seeing beyond it, or on either 'side of it. This position, I think, is proved by the number of 'inventions in cases where great novelty of means is required from 'the fact that the inventors have had nothing to do with the 'prior means of accomplishing the object. Many instances must 'occur to your well-stored memory where a man has become an 'inventor because untrammelled by habitual associations. How 'are such inventors to be recompensed?

'I hope you are enjoying good health; mine is sadly broken, 'but as I shall complete my seventy-seventh year in less than two months, I cannot, for very shame, make a grievance out of 'this. My daughter, who is my amanuensis, interrupts pro-'ceedings to say she wishes you would come down to see me. 'I do not complain of a short interjectional relief of a silence 'which she has maintained since the commencement of this 'letter; but I do not ask you anything so unreasonable as to 'come here from London. I suppose, however, you will be at 'Exeter, and if you are, it is asking but little that you should 'make this a resting-place, either going or coming.

'M. D. HILL.'

Mr. Grove, in his answer, though he objected to existing patent laws and doubted whether any could be enacted which

would not do more harm than good, said he thought some cases might exist in which a modified patent law might be expedient, and worth trying. He instanced noxious trades, such as copper-smelting, &c., which injure neighbouring property. Persons who carry on these trades after compensating or successfully resisting the owners of such property, obtain a monopoly of place and build large plant, not easily altered. Hence they have an interest against improved processes, and an inventor would require some privilege to recoup himself for the time and money he must expend in meeting opposition and forcing his invention on the public.

To the Same.

'*June 13th*, 1869.

'We make a nearer approach to agreement on the patent 'laws than I expected. The principle which you illustrate by 'the copper works is very important, and ramifies very widely. 'These same copper-masters would have killed Muntz's in-'vention, or starved it to death, if he had not been a man of 'large resources, and of unconquerable pluck. They obliged him 'to buy his copper through secret agents, thrusting difficulties 'upon him which he would have had but slight motive to 'encounter in the absence of a patent. And even the *vis* '*inertiæ* produced by an established state of things is enough of 'itself without the aid of sinister interests, to prevent the in-'troduction of novelties which have to force their way *per* '*ambages mille*.' Alluding to another topic, he says—'Your 'instance of mistranslation has been followed by other acts 'of ignorance or carelessness which add very materially to 'one's repugnance for drug-taking. Guinness of Dublin, you will 'have seen, was poisoned a few days ago by a blunder in filling 'the bottles in the apothecary's shop. That was an error in the 'government or management of the establishment, and, if it did 'not belong to that class of error which consists in a defective 'chain of responsibility, was closely allied to it. As our concerns 'become larger and more complicated, our neglect in perfecting 'every link of this chain, which has always been flagrant, 'becomes more and more injurious, and does not excite one

'tithe of the censure which ought to belong to it. It should 'be the prime duty of Inspectors to test these links, not in-'frequently; and surely an officer is not worthy of his trust if 'he cannot safely be charged with directing a prosecution, instead 'of merely reporting. I know all about reporting. It ends in 'a Blue Book which anybody may read, and act upon, but 'which it is not made the duty of any particular authority to 'carry into effect.'

The labours of the Endowed Schools Commission were now under public discussion. Touching this subject, Mr. Hill continues—'Your views on endowment struck me as worthy 'of much consideration, and I felt a proclivity towards them, 'but without arriving at a definitive opinion. Two evils have 'to be guarded against. The one is the discouragement of pri-'vate donations for public objects; the other is over-indulgence 'of the donor's crotchets—often most injurious. A wise donor 'will be glad to reflect that experience of the effect of his 'arrangements might induce him to alter them if he had the 'power; and therefore that it is most desirable, since the change 'cannot be made by himself, that power should be reserved to a 'competent board or tribunal. Perhaps a fair compromise 'might be made by observing the will of the donor in its 'strictness for a limited period, and then exercising a power of 'revision to the widest extent. 'M. D. HILL.'

To Miss Octavia Hill.

'HEATH HOUSE, *July 4th*, 1869.

'Your article in *Macmillan* is invaluable.[1] It is in the highest 'degree pleasant to read; but that is not its greatest merit. Its 'illustrative anecdotes are *proofs* as well as illustrations, and 'show that the great work of civilising the lower *strata* of 'London life, though so immense as to appal the imagination, 'is nevertheless quite within the competency of the higher and 'middle classes successfully to grapple with. Your paper also 'shows—and this is perhaps the most hopeful feature of it—'that no legislative interposition is required for the enterprise,

[1] "Four Years' Management of a London Court"; *Macmillan's Magazine*, July 1869; reprinted in *Homes of the London Poor*, Macmillan & Co. 1875.

'nor even is it necessary that societies should be formed—in-
'dividual means, together with individual earnestness, and
'capacity for domestic government, being all that is essential
'to be supplied.

'The only question upon which a doubt hangs in my mind is
'not as to whether London contains pecuniary liberality enough,
'or earnest desire enough to accomplish the object, but whether
'or not a sufficient supply of *Octavias* would be forthcoming.
'But I call to mind for my consolation, that when we began our
'reformatory system, now so successful as to have quieted all
'objectors, I had very serious doubts if it would be found possible
'to procure persons for the management of the schools who
'possessed all the needful virtues and talents for tasks of such
'marvellous difficulty. But up they sprang like a better sort of
'myrmidons, and allayed all my fears. It may be, and I am
'compelled to think it will be, much more difficult to find per-
'sons competent to take your place, than to take that of a refor-
'matory manager. But my hopes that all impediments of this
'kind will be overcome; quite outweigh my fears.

'Farewell, my dear young friend. Let us see you at Heath
'House as soon as you can. Remember that fresh air and relaxa-
'tion are necessary from time to time, to enable you to withstand
'the wear and tear of London courts and London poor. May
'God prolong your usefulness by sustaining your health!

'M. D. HILL.'

In answer, Miss Hill tells him that she regards as of the highest value, the opinion of her plan expressed by one who, having watched many movements, must be a good judge of its capabilities in its infancy; and then mentions, as a consequence, probably, of a scheme she had submitted to the authorities, the election of herself and one other lady to the Committee for Organising the Charities of the Parish. 'I am greatly interested 'in the question,' she continues, 'in fact, I think it *the* question 'of the time. It bears much on that of Poor Law reform, and 'together they affect the whole life of our poorest class.'

Among Mr. Hill's MSS. a paper was found, possibly the result of his conversations with Miss Octavia Hill:—'We have much

'to learn respecting the poor,' he says, 'before we make our-
'selves useful to them to the extent of our desires,—their habits
'of thought, their tastes, their feelings, and their prejudices,
'even these last we must not shock without necessity. . . Charity
'is religion in action, and her precepts enjoin us to bear in mind
'how evanescent are the distinctions between the humblest and
'the greatest among us, when compared with those attributes
'held by a common endowment. And shall we derive no benefit
'in return? In training others shall we not be trained our-
'selves? It is not the poor alone, or the child alone, who
'requires training. In virtue, as in knowledge, the man who
'believes his education finished casts a doubt on the fact of its
'ever having been well begun . . .'

To Mr. George Dawson.

'HEATH HOUSE, *Nov. 5th*, 1869.

'I have read in the *Birmingham Daily Post* a report of a
'lecture of yours on "Literary Forgeries and Impostures." The
'subject is pregnant with interest, which in your hands was
'sure to be well-developed; and I was not surprised to find
'that your discourse was received, as usual, with full acceptance.
'For myself, however, there are some points in which I find
'it difficult to concur with you; but as you have probably made
'recent inquiries into the matters on which you spoke, I should
'be loth to set up my own memory against yours for any other
'purpose than that of suggesting reconsideration of two or three
'of your topics.

'And first I was somewhat surprised to find you speaking
'of Darwin with such disparagement.[1] The report, however,
'does not affect to be made *in extenso*, and it is possible there-
'fore you may have qualified your strictures by some tribute
'of respect. No doubt the school of poetry—or shall I say of
'versification?—which Darwin founded, had fortunately but few
'pupils, and those did not remain very long. His style was a
'vicious extravagance, very often sinking into a mere caricature

[1] The Lecturer brings Dr. Erasmus Darwin under the category of forgers and impostors, as having countenanced the legend of the Upas tree; but it is his estimate of him as a poet that Mr. Hill combats.

'of Pope; nevertheless his attempt to extend the territory of 'poetry if not very successful, was well imagined, and now and 'then can hardly, I think, be considered a failure.[1] Do you 'remember his description of the ascent of a balloon?—admir- 'able in its first lines, although in the conclusion running off 'into ridiculous bombast, like the following:—

'"For thee Cassiope her chair withdraws,
'"For thee the Bear retracts his skinny paws."'

'A better example, perhaps, may be found in his description 'of a cotton factory in which all is modest and simple, and put 'together with an ingenuity which, if it has not true poetry in 'it—a concession I am hardly willing to make—is nevertheless 'composed with marvellous ingenuity. Then again Herschel's 'theory that the universe contains the seeds of its own destruc- 'tion, is marvellously well done, though not free from grandilo- 'quence. And, lastly, I am unable to read his narrative of the 'murder of her children by Medea, without a feeling that, how- 'ever it sins against severe taste, it is somehow or other very 'effective. But Darwin's extravagances, startling as they are, 'had not prepared me for the line which you quote—

'"Breathe the soft hiss, or try the tender yell."'

'Can this be so, or did the love of mystification seize for a 'moment on the lecturer? I do not possess a copy of the '*Botanic Garden*, and have not opened one for more than half 'a century; yet I am astonished that such a line could be 'forgotten.

'M. D. HILL.'

Mr. Dawson answers that he found 'tender yell' in the edition of the *Botanic Garden* in the Birmingham Library. That edition seemed to be the first, no mention being made of other editions on the title-page. Seeking further, he discovered in the fourth edition '*shriller* yell.'

[1] Mr. Hill had written to Lord Brougham in 1858—'That you should be reduced 'to Darwin, I may consider a less evil than you do. His talent for scientific 'poetry, or poetical science, is I think, cruelly underrated. Perhaps, however, he 'brought his neglect upon himself by his finery, which falls not seldom into taw- 'driness.'

To the Same.

'HEATH HOUSE, *Nov 27th*, 1869.

'. . . The difference between the first and fourth edition 'of the *Botanic Garden* is very curious. If the correction were 'made in the second edition it might lead to the inference that 'the absurd phrase "tender yell" was a misprint; but if the 'correction were only made in the fourth edition, I should judge 'that the author had been laughed out of his blunder. About 'Darwin's attempt to bring science within the domain of poetry, or 'rather to make poetry ancillary to science, we will if you please 'agree to differ. I admit that on the whole his attempt was a 'failure, but I cannot think it a subject for ridicule. In my 'mind it was bold enterprise carried into effect—so far as it was 'effective, with great talent, and that its aim was such as if it 'had been successful would have been an important boon to our 'literature. I am glad, however, to find that you do not consider 'him as an accomplice in imposture; but that being so, and im-'posture being the subject of your lecture, I cannot but think 'poor Darwin's faults as a poet were not before you. . . . All 'who wish well to Birmingham must deplore any failure in 'your health. I cannot express to you the value I attach 'to your public teachings, whether in the pulpit or on the 'platform.

'My mind is much occupied in setting my official house in 'order prior to my impending official death.

'M. D. HILL.'

In 1869 the Act was passed which abolished the Provincial Courts of Bankruptcy, transferring their jurisdiction to the County Courts, and at the close of the year Mr. Hill's office came to an end. As at Birmingham, so at Bristol he had won, not the respect only, but the attachment of the gentlemen who practised before him. Although he was himself at the last prevented by illness from being present, they attended in a body when the Court met finally on the 31st of December,

to express their regret at parting with the judge who had presided over them for nineteen years, and their feeling that the consideration with which he had treated them, apart from his higher judicial qualities, had made their professional intercourse with him not a pleasure only, but a privilege.

The manner in which important public duties extending over so long a period have been performed, is a subject proper for comment by the press of the district which must benefit or suffer accordingly as they are discharged. In the remarks upon Mr. Hill's retirement by the representatives of all parties in the City but one tone prevailed. Its character may be gathered from the following words:—'There are few positions which call 'for more nice discrimination than that of a Bankruptcy Com-'missioner. As the cases flitted by one after another, each full 'of complicated details, and as the demands on the part of the 'creditors and the bankrupt had to be suddenly decided upon, 'there was room for the exercise of a clear, vigorous intellect, 'guided by full information. In the actual work of the Court 'the abilities of the Commissioner were obvious in almost every 'sitting. He had to strike the balance justly, and to take care 'that he was not misled by statements which the desperate 'condition of clients sometimes caused them to put forth. The 'manner in which he discharged these duties is well known in 'Bristol. Considerate and delicate with the truly unfortunate, 'he was unsparing with the fraudulent; and in all his work 'there was manifest that high judicial tone which is a glory to 'the English courts of law.'[1]

It is usually supposed that the sudden cessation of life-long habits of labour must entail *ennui* as the consequence of unaccustomed leisure. This was not the case with Mr. Hill. He enjoyed the relief from all official cares, and the fuller intercourse it permitted with the members of his family and friends who resided at a distance. During a visit to London made this year—it proved to be the last—he had the rare enjoyment of his brothers' society uninterrupted by other claims. His love of children had made very precious the companionship, as inmates of his house, of grandsons now grown up. This love

[1] *Western Daily Press*, January 10th, 1870.

found fresh indulgence in the visits of a little grandchild whose recent birth was the source of the keenest happiness of his closing years. That his interest never flagged on public questions the following letters will show.

To Mr. George J. Johnson.

'BRIGHTON, *Oct. 25th*, 1870.

'My son, your fellow-associate in the Speculative Club, has 'read to me an article of yours on the "Natural History of Law," 'which has not only my hearty concurrence, with some few un- 'important exceptions, but my warm admiration.[1] Led away, 'perhaps, by filial associations, he thinks the expression of my 'opinion may give you pleasure. It certainly gives me pleasure 'to know that so masterly an essay has been produced in my 'native town by a member of my own profession, and I earnestly 'wish your little work could be placed in the hands of every 'student. It would be a most desirable introduction to Stephen's '*Blackstone*, and would so expand the reader's views as to pro- 'tect him against the remnant of optimism in Blackstone which 'has escaped the pruning-knife of his commentator.

'It is curious in itself and very satisfactory to me, that a 'pamphlet of mine [his *Letter to Mr. Pemberton*] which appeared 'more than thirty years ago, runs in a similar vein of thought 'and argument to yours—so far as the difference of subject 'permitted. But that difference was so wide that you will not 'find yourself anticipated in any application you have made of 'the general spirit of your essay. I wrote on the privilege of 'the House of Commons to publish whatever they thought fit 'to issue, without subjecting their printers to animadversion 'in the Courts of Westminster Hall. 'M. D. HILL.'

To Sir Charles Adderley.

'HEATH HOUSE, *Dec. 28th*, 1870.

'As you will readily believe, the injury wrought by money- 'lenders has not escaped my attention, and I have revolved in

[1] *Essays by the Members of the Birmingham Speculative Club.* London: Williams and Norgate, 1870.

'my mind many schemes for diminishing the evil, and have con-
'ferred with others whose avocations give them an intimate
'knowledge of the persons and transactions which you so justly
'stigmatise. Yet I am unable to point out any remedy of a
'searching and efficient nature, although I think the late changes
'in the law may have some beneficial consequences. The aboli-
'tion of imprisonment for debt cannot but do something, al-
'though my experience, corroborated by the opinion of competent
'judges, precludes me from entertaining hopes that much will be
'accomplished in any reasonable time, if at all, by any changes
'in the law. I cannot but remember how rife were the mischiefs
'of money-lending, even when the taking of interest above five
'per cent. was prohibited by severe laws against usury—now
'altogether abrogated. Indeed law when it comes into competi-
'tion or hostility with commercial transactions, honest or
'dishonest, harmless or hurtful, stands but a poor chance, as all
'history shows. Even the dealers in stolen goods, nefarious as
'their traffic is, have hitherto escaped with little short of
'impunity.

'This well-known fact has carried some thinkers of no mean
'acumen and power of judgment, to embrace the doctrine that
'all debts not tainted by fraud on the part of the debtor, should
'be put on the footing of debts of honour, without prejudice,
'however, to the creditor taking security by the pledge of
'articles of value, to which he can recur for payment on the
'failure of the debtor to redeem them. A project so startling
'ought not to be accepted without the fullest and most vigorous
'examination of its consequences, and therefore I must leave it
'"*ad avisandum*" as our old lawyers used to say. Perhaps a
'wider discretion than we have been accustomed to, might be
'safely entrusted to courts of justice. They might be enabled
'to decide against a contract, whenever it was made clearly to
'appear that, at the time it was made, it must have been obvious
'to the party seeking to enforce it, that it was detrimental to the
'interest of the other party. 'M. D. HILL.'

During the Franco-German war, when—in the winter of 1870,—the Prussians advanced nearly to the city of Tours, the posi-

tion of Mettray caused deep anxiety to its English friends,—an anxiety increased by the impossibility of communication with Demetz. No more could be ascertained for several months than that the institution was in great need of funds, and that its Director looked to his friends in foreign countries for aid. At length, at the end of March, M. Demetz was able to obey a summons to London, to receive £500, awarded to the *Colonie* from the Mansion House Fund for the relief of the suffering French. From London he hastened to Heath House, and then for the first time Mr. Hill learnt the extent of the danger which threatened Mettray. It was nothing short of destruction! A circular appealing for help was rapidly drawn up, and widely distributed, and a committee nominated to receive contributions. The Social Science Association adopted the circular, and united their efforts with those of others striving to avert the calamity.[1]

To Lord O'Hagan.

'HEATH HOUSE, *May 18th*, 1871.

'MY DEAR LORD CHANCELLOR,

'You have probably heard of the heavy calamity which 'has befallen the admirable Reformatory of Mettray, bringing it 'into imminent danger of extinction. M. Demetz and his staff, 'with the aid of the *colons*, gave succour to large numbers of 'wounded men, both French and German. In addition to this 'drain on the resources of the institution, it was obliged to 'supply the demands of the German army, the result being a 'complete exhaustion of the provisions, horses, and cattle, live 'and dead, belonging to the *Colonie*. All this time, by exertions 'which would have been incredible if told of any other man, 'M. Demetz continued the maintenance of the multitude 'dependent upon him, that is to say, of his staff and their 'families, and of the *colons* committed to his charge, numbering 'nearly 1,100 persons. But Mettray is not only unprovided for 'the present,—its future revenue is put into extreme jeopardy.

[1] M. Demetz spent the night of the 2nd April at Heath House, and thus he was included in the English census for 1871.

'M. Demetz was in the receipt of 75 centimes per *colon*, *per* '*diem*, and he had subventions from many Departmental Councils 'which had recourse to his Reformatory. How much will be 'continued to him either from the Government or from the 'Departmental Councils it is impossible to say; but the pros- 'pect of adequate assistance is very gloomy. Ireland as well 'as England, we are conscious, has had its beneficence sorely 'taxed during the last few months, and especially on behalf of 'France. It was therefore under depressing influences that we 'resolved to do our best, little as the best we feared would be, 'to effect the rescue of our admirable friend in his hour of 'distress, feeling the weight of obligation which he has im- 'posed on the civilized world by establishing and marvel- 'lously upholding for more than thirty years his noble insti- 'tution.

'You, my dear Lord Chancellor, will, I know, rejoice to hear 'that our efforts have met with far greater encouragement than 'we expected. Our treasurer, Mr. William Gladstone, junr., '(of Broad Street, London), is already in possession of more than '£1,500 from British subscriptions, and has received an ad- 'ditional £500 from Mr. Dwight of Massachusetts, a gift from 'himself and the inhabitants of Worcester, in that State. 'Within the last few days I have had the gratification of read- 'ing warm-hearted appeals in the Irish newspapers on behalf of 'Mettray. The fact that it is a Catholic foundation, gives it, your 'countrymen think, an additional claim on their support; and 'even a staunch Protestant, as I am, who has had the delight of 'witnessing time after time the fervid efforts of the devoted 'men and women of Mettray, and the success with which their 'labours have been blessed, cannot even while deeply conscious 'of what he believes to be their errors in matters of faith, deny 'the power of the Catholic religion to produce a blessed change 'in the hearts of the erring and depraved.

'May I, then, ask you to take upon yourself the office of 'leader in bringing the affairs of Mettray widely and systematic- 'ally before your fellow-countrymen? Your deep interest in 'the reformatory cause has long been apparent; and perhaps 'I may be forgiven for presuming to say that no occasion is

'likely ever to arise for your bestowing such a benefit upon it 'as by granting my request.

'I remain, my dear Lord Chancellor,

'Very truly yours,

'M. D. HILL.'

This appeal obtained a warm response. Had such an effort been necessary, M. Demetz was prepared to cross the Atlantic to crave the help which should save Mettray from ruin. So arduous an undertaking, however, he was spared. Without the stimulus of his presence, the Americans sent him liberal assistance, which, combined with the aid given here and in Holland, secured his object.

The *Life of the first Earl of Shaftesbury*, published in this spring, was read by Mr. Hill with keen interest. He was not acquainted with its author, the late Mr. W. D. Christie, but the high opinion he formed of the book led to a correspondence from which extracts are given below. Mr. Christie's letters cordially express his gratification at the sympathy manifested in his difficult task.

To Mr. Christie.

'HEATH HOUSE, *June 27th*, 1871.

'It is only within the present week that I have read your 'valuable work. . . . A Life worthy of the man has been a desi- 'deratum for well-nigh two centuries, and by supplying it, as 'you have done, you have earned the gratitude of every English- 'man, and above all of every English lawyer.

'*July 5th.* The fair and sober article from the *Standard* I 'return, with thanks. The *Pall Mall* says:—"The subject of '"this biography belongs to that class of historical black sheep '"whom some people take a charitable pleasure in attempting to '"wash white." The writer does not know the difference 'between a *black* sheep, and a *blackened* sheep. The latter may 'be made white; and your right worthy exertions will, I trust, 'be some day fully recognised as successful. . . . If pleasure 'or business should call you into the West, you will receive a 'cordial welcome at Heath House. I think with excursions to

'points of interest in the neighbourhood, and with talk about 'English history, we could pass a few days together without *ennui*.

'*July* 18*th*. I have a selfish regret in your inability to visit 'me, as I live in a sort of exile, only mitigated by the companion-'ship of those who are good enough to meet me at my home. 'In your letter to the *Spectator*, I hope you will say something 'on its statement that the reviewer repeatedly "finds the author '"treating the evidence commented on as conclusively proving '"so-and-so in favour of Shaftesbury, when the conclusion re-'"quires the obstetric aid of an *à priori* belief in Shaftesbury's '"innocence." Such errors, no doubt, formed your dangerous 'side, as it does that of every biographer who is not can-'tankerous; but although I watched you carefully, and, I may 'add, suspiciously, through each volume, expecting the mischief 'to break out, yet I never found a single passage open to that 'reproach. . . What better proof can be adduced after the 'lapse of two centuries, that Shaftesbury had no suspicion as to 'the Treaty of Dover, than that it was intended to be concealed 'from him by those who had the power of concealment, and 'attempted to exercise it? Thoughts not evidenced by deeds 'are proverbially difficult of proof. I can assert with confidence 'that such proof as we have of Shaftesbury's innocence would 'be deemed satisfactory in any court of justice. But Shaftes-'bury's accusers have always acted as if there were some code 'applicable to him, which does not affect others.... The reviewer 'justly says that "the amount of inaccuracy, of gratuitous sus-'"picion, and even of sheer romancing, of which" you "convict '"Lord Campbell's Life of Shaftesbury, as Lord Chancellor, is '"simply appalling."

Sept. 11*th*.—'I have just read the second article on your '*Life of Shaftesbury* in the *Saturday Review*, and I heartily 'congratulate you on the effect which such a very complete 'submission to your statement of facts and your cogent argu-'ments, appearing in a publication universally accepted, and 'of high authority, must have throughout the literary world. 'The critic puts the question most fairly when he says that 'you have not represented Shaftesbury as a man standing on a

'moral summit, but only that he was as good as, if not better than, 'the majority of his political contemporaries; and that he was 'clearly not guilty of the enormities laid to his charge. I 'myself am disposed to go a little further. I am disposed to 'say, that to expect public men in revolutionary times to walk 'perfectly straight, and with unswerving uprightness, is as 'unreasonable as to censure the inhabitants of a town for 'not moving steadily during the heavings of an earthquake. 'That a man who had opposed with all his might such villainy 'as the shutting up of the Exchequer (an opposition so certain 'to give mortal offence to the king), who stands acquitted before 'all men of pecuniary dishonesty, who has the best testimony 'to his unspotted integrity as a judge, and who, in an age when 'all but universal intolerance prompted even good men to 'advocate measures of cruelty, maintained with hardly an 'exception, a character for leniency not far below the average of 'men in the present day, should have been held up for two 'hundred years as a monster of wickedness, is to me a source 'of very profound mortification; and, if I have not done it 'before, I will not let slip this opportunity of thanking you 'personally for your triumphant rehabilitation of a great public 'servant, most cruelly and perseveringly maligned.

'M. D. HILL.'

To Miss Rintoul.

'*July 5th*, 1871.

'Many thanks for the *Constitution Rationelle*.[1] It compresses 'a world of thought and learning into a narrow compass, and I 'shall consider Mr. Friedmann's book, small as it is, a most 'valuable addition to my library. His grand expedient, that of 'calling on the masses only to consent to the expression of short 'enactments to be wrought into detail by legislative bodies is 'admirable, and all the more trustworthy as it is not absolutely 'new. We ourselves adopted the principle, and worked it rudely 'for centuries. Parliament passed Acts which could not be brought

[1] *Essai sur une Constitution Rationelle de la France*, par Paul Friedmann. 1871. The book consists of a short discourse upon constitutional law and a more correct division of political powers, with a sketch of an ideal constitution.

'into operation until details had been added—a task delegated 'to the judges; but they often turned rogues, and performed 'their duty not only in a perfunctory but dishonest manner. 'This is no justification, nor do I believe it furnished the motive, 'for every petty matter required for the working of an Act 'of Parliament being added to its text. The subject has at 'various times occupied much of my thoughts, and I believe 'Mr. Friedmann's project to be quite feasible, although not to be 'attained without the exercise of high legislative ability, and 'intense labour. With regard to the remainder of his work, I 'have only time to say that it abounds with suggestions which 'may be highly important to other nations besides the French, 'but I must shrink from offering any opinion as to his plan 'being suitable for that particular nation. In truth I do not 'believe any but a native legislator can possibly be qualified to 'speak on such a topic. My revered friend Jeremy Bentham, 'it is true, offered to construct a code for the Russian Empire, 'but his offer was, in wisdom or in good luck (I know not which, 'but suspect luck), declined.

'M. D. HILL.'

This letter concludes the selections from Mr. Hill's correspondence. From private letters, much must, of necessity be omitted. That which renders each specially precious to the person to whom it is addressed would be tedious to a stranger; but not unseldom this indispensable pruning robs the letter of half its charm. In the present volume it has been difficult, nay, sometimes impossible, while limiting the passages quoted to what can alone interest the reader, to preserve unmarred the characteristics of the letters, especially those to relatives and intimate friends. Frequently there would run throughout a vein of lively satire touching on well-known idiosyncracies, or there would be reference to some common source of merriment. Wise counsel would be offered, or tender sympathy expressed; and rarely did they end without playful allusion, or loving message.

Notwithstanding the great strain on Mr. Hill's powers during his laborious life, they lasted well into old age, though they had of late, as was only natural, steadily declined.

In the summer of 1871 a change of air was desirable. Malvern, where his wedding-day was spent, had never lost its attraction for him, and its bracing climate had often restored his strength. He would have gone thither now, but that a journey of even that length he felt he could not encounter. Weston-super-Mare had for some years been an agreeable resort to him, its proximity making it a convenient place of residence, even when his official duties brought him every day to Bristol. It was hoped that a few weeks passed there would recruit his exhausted forces—a hope to some extent realised. Nor was his stay at the sea-side without its enjoyment, to which the visits of friends materially contributed. The presence of his tiny grandson was a never-failing source of pleasure to him, and in seeking to amuse and interest the little fellow his increasing infirmities were forgotten.

During the following winter, spent at Clifton, though compelled to lead the life of an invalid, he was not altogether debarred from the pleasures of society—now, however, losing much of the keen relish of former days. Even from public work he was not yet quite cut off. His warm attachment to Canon Moseley induced him to make the effort it had become, to attend a public meeting. He could not absent himself from a gathering of the citizens of Bristol to consider what steps should be taken to perpetuate the memory of his departed friend, who had died early in the year.

As far as he was able, his advice and assistance were still at the service of younger labourers in every good cause. It was in his drawing-room that Miss Octavia Hill, while on a Christmas visit at his house, gave a short address upon the means she employed for helping the poor of London to help themselves—an address which stimulated similar efforts in Bristol. On two or three occasions after he had returned to Heath House, glad to be once more in his pleasant home, he in like manner promoted other enterprises; and was able to sustain exertion, both bodily and mental, quite beyond the expectation of his family. As president of the Kingswood Reformatory committee, he attended in the middle of April one of its meetings, astonishing his colleagues by his liveliness and

vigour. A fortnight later he received the whole school at Heath House, when, with the friends who gave their help in making the festival a happy one, his guests numbered nearly two hundred. Although not the most numerous of the long series of gatherings of which this proved to be the last, never did a more successful one assemble on his lawn, than on that bright May-day.

The International Prison Congress which was to meet this summer, had for some years been a subject of correspondence between Mr. Hill and its originator, Dr. Wines. A discussion by experts in penal legislation and prison discipline of the methods adopted in various countries for the repression and prevention of crime, would, Dr. Wines foresaw, quicken the advance of a wiser treatment of criminals. After due consideration of the plan he laid it before his Government. It obtained approval, and the United States proposed that a gathering, to represent every civilized nation should be held. The proposal was accepted, and it was eventually decided that the Congress should assemble at London in July, 1872. Mr. Hill from the first recognized the importance of the project, and he had the pleasure of receiving Dr. Wines at his house for conference, during a preliminary visit to Europe in 1871, as United States' Commissioner.[1] Many who had for years laboured together in the reformatory cause entered as cordially as Mr. Hill into the plan. At Dr. Wines' request, Miss Carpenter prepared an exposition of the principles of convict treatment carried into effect by Sir Walter Crofton.[2] 'I did not like,' she wrote to Mr. Hill, 'to ask you

[1] The results of the London Congress fulfilled the expectations of its promoters. The large attendance at a capital comparatively so remote as Stockholm on the occasion of the second Congress, in 1878 (of which Dr. Wines was Honorary President), and the important positions occupied in their respective countries by the delegates, marked the growing value attached to the opportunity for interchanging thought and experience. A feature of the meeting of great encouragement was the advance in general opinion in regard to the aim of criminal discipline. There was still difference about details, the graver questions of separate or associated imprisonment had their respective advocates; but whatever the means employed, the object, by common consent, was the reformation of the offender.

[2] *Reformatory Prison Discipline*, by Mary Carpenter. London: Longmans, 1872.

'to permit me to dedicate so small a volume as this is to be, 'to one who deserves so great a tribute; but if the occasion 'and the subject would be considered to make the volume 'of a little importance, I hope that you will kindly allow me 'to dedicate it to yourself.'

The amended administration of the Penal Servitude Acts in England since the year 1864, had, to a certain degree, made the convict the arbiter of his fate. That the fate not only of the convict, but of every lesser criminal, should be placed in his own hands, had, as the foregoing pages have shown, for long years been advocated by leading prison reformers. The time had now come, it was hoped, when the nation also would regard some extension of this principle with favour. It will be remembered that Mr. Hill had endeavoured, in 1871, to write a paper for the Social Science Congress at Leeds, on "The Objections incident to Imprisonment for Limited Periods," but that unable to satisfy himself that what he had written was worth reading, he had put the unfinished paper aside.[1] To comply with the pressing desire of Sir Walter Crofton (who was Chairman of the Executive Committee of the Congress), he now made another attempt. But again it proved beyond his power, and he relinquished the task. He had failed; no one else undertook it, and it remained unaccomplished.

But though his days of labour were over, and he could not as heretofore, take his place in the front rank, his friends clung to the hope that he might yet be found among his old companions in arms, and that the presence of the veteran would cheer the younger soldiers in the good fight. Nor was this hope abandoned till within a very few weeks of his death. When the Congress actually assembled he was at rest.

[1] He had a year or two before, in a letter to his brother Arthur, said, 'I find, by 'fatal experience, that the flow of ideas and of words in which to clothe them are 'become very scant, and require the hard pressure given to grapes when they have 'yielded their best. What sort of wine is produced by this forcing down of the 'screw, we all know. It is a consolation to think that the objects I have had in 'view during life are well able now to run alone, and should they fall down a time 'or two, I feel persuaded there would be plenty able and willing to pick them up 'again.' But he had not always the philosophy to look calmly on when such a catastrophe befell; and sometimes it cost him a bitter pang when a special effort seemed needed, that he was powerless to make it.

In the middle of May Mr. Hill was enjoying a visit from his brother Frederic, and was still looking forward to the approaching gathering. But his youngest son, who had come at Whitsuntide to see him, found him in too feeble a state for the journey to London to be any longer possible. Four days later he was struck with fatal illness. His suffering was intense, but he was spared a long sickness. On the morning of the 7th of June he died.

He was laid by the side of his wife in the beautiful cemetery of Arno's Vale. In accordance with their joint tastes, her funeral had been as simple as possible; and by his direction, his own resembled hers, in every respect. Though not invited to follow him to the grave, a group assembled round it unbidden, to pay their last mark of respect and affection to one who, arriving at Bristol a stranger, found there a true home and had long been accorded a place among her most honoured citizens. The last solemn words were spoken by the Rector of Swanswick, his loved and loving friend. Another friend, the late Alexander Munro, designed the simple monument which marks his resting-place.[1] The inscription he wrote himself.

Not the death only of Matthew Davenport Hill, but the time of his departure was deeply felt. 'The Prison Congress,' wrote Baron von Holtzendorff, 'is likely to proclaim the validity of 'all those principles of criminal reform which he has been 'advocating during his life. My hope was to greet him as the 'patriarch amongst the reformers of prison discipline.' His loss was mourned, said another friend, 'as that of the leading spirit 'of the English section.'

On arriving at Liverpool from America to attend the Congress, Dr. Wines was to have come direct to Heath House. The news of Mr. Hill's death reached him at Queenstown. 'No words can express,' he wrote, 'the sorrow with which this 'unlooked for event has filled my heart. . . All the memories 'he has left behind are precious and fragrant, and will become 'increasingly so as years roll on. His influence will not be 'confined to his own times, but will reach forward through

[1] The design, palm branches, upon the white marble head-stone, was executed by the sculptor's sister, Miss Munro.

'successive ages, and will be felt only in the blessings it brings 'to the human race.' In the same tone were the many notices of the life which had closed. 'In pursuing objects,' said the *Daily News*, 'which many take up to indulge a sentiment or 'humour a theory, Mr. Hill uniformly displayed the high quali- 'ties of moderation, discernment, and calm, practical common 'sense, united with untiring industry, and a perseverance which 'was never relaxed.'

'Generous in his sympathies,' remarks another writer, 'quick 'in his perception of the true bearing of principles affecting 'moral, social, and political life, ripe in knowledge and skilful in 'its application, he was a power in every circle that knew his 'presence. The public good was the theme ever uppermost in 'his mind.'[1]

Resolutions conveying their sense of his worth, and gratitude for his services, came from public bodies and private associations. Warm affection mingled with the expressions of admiration and esteem which poured in from fellow-workers at home and abroad.

Perhaps it was the power of sympathising with others—of putting himself in their place as it were, alike in joy and in sorrow, that made him so widely beloved. Some friends dwelt on the advice or the encouragement he had afforded them in their efforts to do good, while others recalled the solace and support he had been to them in trouble. His bright example—the charm of his manner, gay or tender as befitted the occasion, his genial brightness, belonging to youth rather than to age, all were felt and acknowledged. 'A career of such uninter- 'rupted beneficence,' said his young kinsman, John Addington Symonds, 'of activity for others, of tender love, of noble and 'generous aims, is a life-long memory to cherish.' A nephew by marriage, his attachment to whom led to a close intimacy during the last few years of his life, speaks of 'his winning 'courtesy, his genial humour, his wise talk, his wide sympathy 'for all that is good, and his noble indignation at all that is evil.'

'What a life it is which has gone out from among us,' wrote Miss Cobbe. 'I shall always thank God that I knew him— 'knew that so noble and massive an intellect could be united

[1] *Western Daily Press*, June 8th, 1872.

'with a heart overflowing with such world-wide sympathies!' 'I counted it always,' said the Rev. J. Estlin Carpenter, 'as 'among the chief privileges of my residence at Clifton to be 'permitted opportunities of intercourse with him. Nor could I 'ever fail to derive a vivid stimulus from a mind as powerful as 'it was richly stored. Yet, it has even seemed to me, sometimes'— and here the writer marks the lasting value of such a life, 'that the absent exercise almost as strong an influence over us 'as they do when they are by our side; such tender memories 'gather round their image, and keep their words and their 'example fresh and bright in our minds. . . . I know not 'anything more helpful than to see the mind occupied with 'plans for the welfare of others, and a life of usefulness 'terminated only when its active work is done.'

When, by the acceptance of a Bankruptcy Commissionership, Matthew Davenport Hill laid aside the anticipations of higher professional reward, his friend Charles Austin jestingly wrote to him that he might now place over his door the well-known couplet of the Roman poet—

> 'Inveni portum, Spes et Fortuna valete;
> Sat me lusistis, ludite nunc alios.'

Such has been the feeling with which many an eminent lawyer has exchanged his career of anxious and arduous labour for a reward beneath his just expectation, and submitted to employ the rest of his days in a sphere of honourable, though comparatively obscure, usefulness. But for Mr. Hill, as year by year he engaged in successive enterprises of high social importance, and realised the power with which he had become invested to aid in bringing them to the desired issue, the balance of life was redressed; and it may be hoped he felt that he had been permitted to reach the goal of his early aspirations, in their noblest form.

APPENDICES.

APPENDIX I.

To page 65.

The following extracts are from an unpublished "Reminiscence" of Thomas De Quincey, by Mr. Hill:—

'According to the custom of Reviewers, then universal, the 'article is anonymous; but I had read, or rather devoured, what 'Southey justly calls "an enthralling work," the *Confessions of an* '*Opium Eater*, known to have been written by Thomas De Quincey, 'a name now highly appreciated, but, in 1824, somewhat obscure. 'I was impressed with the full conviction that the author of the '*Confessions* and of this critique were the same person, and I 'procured, although, I forget how, his address. He was living in 'lodgings in Chelsea not far from my own cottage, in that quarter. 'I forthwith called upon him, and learned from his own lips that my 'impression was well founded. I invited him to a family dinner; he 'came, and we made a long evening of it. How he astonished me 'and mine by the wealth of his conversation and his felicity of 'expression I shall not attempt to describe, nor is description 'necessary. His language was so accurate that if it had been taken 'down by a short-hand writer it might have gone to press without 'the slightest correction, and yet, which is truly marvellous, such 'was the ease of his delivery that no suspicion of labour on his part 'entered the mind of his hearers. Thus his works are more com- 'pletely himself than those of any author whom it has been my 'good fortune to know in the course of a long life.

'Our acquaintance, thus begun, was uninterrupted for many years. 'I saw him last in Scotland in 1835. He remained there until his 'death some twenty years afterwards. His absence from London I 'felt to be a great privation. Nature had endowed his mind 'with almost preternatural fertility, which assiduous culture had 'prepared for crops of unlimited abundance. Yet the result, 'admirable as it is, is not the tithe, nor indeed the hundredth part 'of what it might have been. . . His knowledge, extensive and exact 'as it was in all departments which did not immediately bear on his

'own actions, failed him the moment he attempted to apply it to 'the business of daily life.

'De Quincey, as might be supposed, possessed but few books, and 'those few were generally where he was not. This fact will account 'for some errors in his quotations and references; the wonder how-'ever is that these errors were so rare. His habits of life to other 'evils added that of procrastination, and this pernicious practice, 'combined with the quantity of time lost from various trivial 'obstacles which would have been no impediments to others, but 'which were continually acting as lions in his path, caused him 'often to revolve the matter of his works for years before he 'reduced his thoughts to writing.

'My intimacy with this extraordinary man left permanent 'effects on my mind, and I avail myself of this opportunity to 'acknowledge my obligations to him—obligations which I now 'estimate as of much greater value than they seemed to me before 'the study of his works, for the most part then unwritten, forced 'upon me the conviction with which I am now impressed of his 'immeasurable superiority.'

From Mr. De Quincey.

'GRASMERE, *January* 31*st*, 1830.

'MY DEAR HILL,

'I was greatly obliged to you for the letter which you en-'closed in Mr. Brougham's frank last summer. That letter I 'answered immediately; but, some accident or other having in-'terfered with my actually signing and sealing it—to this day it has 'remained, with other inchoate labours of mine, in a table drawer. 'The drawer happens to be a cedar one; now, had the letter 'happened to be such that in the classical sense I could pronounce 'it "*cedro digna*" [*i.e., oleo cedrino*, a preservative from worms, &c. '&c.], I could even yet have forwarded it. I find in it, however, 'nothing worth repeating at this distance of time; except perhaps 'that, in the way of news, it communicated (what may still be sent 'to you in London) the marriage of our learned friend Sir William 'Hamilton. A famous scholar of your profession, Selden, is re-'ported to have said that—"Of all the actions of a man's life, his '"marriage does least concern other people's, yet, of all actions of '"our life, it is most meddled with by other people" (Selden's *Table* '*Talk*). A very great digger amongst Hebrew and Phœnician roots 'is rarely, I fear, a great philosopher; and accordingly in this 'particular remark of Mr. Selden's, though he should bring 'Samaritan or even Coptic authority for it, I see little truth. 'Abstracting from a merely selfish "concern," what can better be 'entitled to determine the proportions of a liberal and disinterested '"concern" in another man's actions than simply the degree in 'which they expound his physical and moral constitutions? Now

'surely no action of a man's life unveils so much of his tempera-
'ment, taste, understanding, degree in which ambition is an active
'principle of his nature, and so forth,—or at least furnishes so
'many conjectural grounds for appreciating all that, as precisely
'this one act of choosing the partner of his life—the depository of
'his honour—and the determiner of his household happiness.

'Pardon me this digression, I had forgotten for the moment that
'I was writing a letter. To return to my subject. . . . I remem-
'ber, amongst my boyish acquaintances of thirty years back, a
'vulgar woman—an heiress—who had married a younger brother of
'an Irish noble family, a certain Hon. Colonel ————. She,
'this same Hon. Mrs. ————, as vulgar in mind as in manners,
'used—by way of irritating the gallant Colonel—to sum up the
'story of her marriage thus:—"Yes; the Colonel and I had a
'"hundred thousand pounds between us when we married; just a
'"hundred thousand;" and then, after a little pause, she added with
'an air of indifference—"Yes, just; I had ninety-nine, and—Colonel
'"had *one*." . . . .

'I know not how I have come to detain you so long on one topic,
'having so many others before me of nearer interest. My hands
'are by this time so frozen, and from the first have been so be-
'numbed, that I fear you will have a difficulty in reading many
'words: and at this moment my messenger is clamorous for his
'dismissal. Yet two questions I must ask. Do you know of any
'literary work, tolerably lucrative and fitted for me? Secondly, is
'the Chair of Moral Philosophy still open at your London Uni-
'versity? And, if so, by what avenues to be approached? On this
'I have much to say to you. But at this moment I have no possi-
'bility of adding one syllable more than my best regards to
'Mrs. Hill.

'Yours ever, my dear Hill, most faithfully,

'THOMAS DE QUINCEY.'

'Remember me very kindly to the Knights, when you see them.
'*February 1st.*'

APPENDIX II.

To page 107.

MR. HILL related the conversation in a letter to Lord Brougham dated 1852, as follows:—'The conversation I had in the month 'of May, 1831, with Lord Althorp, on the subject of your appoint- 'ment to the office of Lord Chancellor, took place at Northampton 'during the contested election for that county, in the course of 'which we were thrown much together, I being his counsel on that 'occasion. We sometimes dined together *tête-à-tête*, after the bustle 'of the day. He was more communicative than I ever recollect 'him to have been either before or since. This, however, probably 'arose from the few opportunities which I ever had, except at the 'Northamptonshire election, of enjoying his society *solus cum solo*. 'I need not say to you that the privilege of intimate association with 'such a man, however fleeting the enjoyment of it, is not to be called 'to mind without deep interest.

'As far as I recollect, the conversation to which I refer began by 'some passing observations by Lord A. on the errors which existed 'in the public mind as to the part which individual ministers had 'taken in the discussions of the Cabinet on the Reform Bill—that 'some were reproached for opposing extensions of popular power, 'who had advocated the measures in question, while others, who op- 'posed them, had received applause in the belief that they had been 'their advocates. The allusions to individuals were, of course, but 'vague, and the conversation soon passed to a topic connected with 'these remarks, but on which Lord Althorp did not appear to 'think any reserve necessary.

'He spoke of the popular belief that ministers would fain have 'placed the great seal in other hands, but that it was made the 'price of your adhesion to the party, so far at least, as regarded 'taking office at all. I mentioned it as my belief that you had been 'reluctant to take any office; that you had told me that the example 'of a man earning his livelihood by the exercise of his profession, 'and at the same time in the independent lead of the House of 'Commons as member for the greatest county in England, would be 'of salutary effect on the public mind.

'Lord A. intimated that my views would be supported by the 'facts which he was about to mention. He said: "The hardest task '"I ever had in my life was to persuade Lord Brougham to take the '"seals, so firmly had the notion you mention taken possession of his '"mind." I cannot, of course, answer for a particular expression at 'this distance of time, and he possibly used no such word as *notion*, 'but I have a general impression left on my mind that he did not 'much approve of the course which you had chalked out for your-'self, even without regard to its clashing with the desires and 'interests of his party. He always spoke of himself to me as a 'well-drilled party man, and I think it jarred with all his associa-'tions to find you desirous of leaving the *via trita*, and striking out 'a new path for yourself.

'All arguments, however, he told me, failed with you except 'one, which was that without your acceptance of the Chancellor-'ship the Whigs could not form a Government, and would not at-'tempt it, and that upon you therefore must be the responsibility of 'depriving the country, at the important crisis which had then 'arrived, of a Liberal ministry. He said he found you had no good 'answer to that argument, but that you took refuge in eloquence, so 'that waiting from time to time until a pause occurred, he repeated 'his one unanswerable argument until you were exhausted, which, I 'remember he intimated, was not a short operation.

'From November, 1830, when the change of Government took 'place, till the following May, was not a very long interval, cer-'tainly not long enough to have done anything towards weakening 'the impressions which he vividly described to me of the mental 'conflict which opposing desires and duties had created in your mind; 'nor was the termination of the interview such as to leave him 'quite at ease regarding the consequences of his victory.

'All that he said so fully concurred, not only with your own com-'munication to me, to which I have already adverted, but with my 'own observations, that if I had not implicit reliance on Lord 'Althorp, which in common with all who were honoured with his 'confidence I most assuredly had, I could hardly have doubted the 'accuracy of his statements.

'You will not be angry if I remind you, or rather inform you, of 'what at the moment you were unconscious of, that meeting you in 'the robing-room the day after this interview between yourself and 'Lord Althorp must have taken place, I asked you some question 'of no great importance, I suppose (but I have quite forgotten the 'subject of it), upon which, instead of honouring me with an 'answer, you thrust me aside, doing me, however, no unnecessary 'injury, but walking away with great calmness, and with as quiet a 'conscience as if you had made my fortune; while I had nothing for 'it but to exclaim with Banquo—'Look how our partner's rapt!' . .

'M. D. HILL.'

APPENDIX III.

To Page 144.

In the summer of 1775, Miss Kynnersley, accompanying her friend, Countess Ferrars, in a yachting voyage, happened to spend some weeks at Dunkirk.[1] A Franconian nobleman (also of very ancient descent), the Baron de Bode, was, as colonel in the regiment of Nassau in the service of the King of France, in garrison there at the time. He was intimate at the house of the British Consul, where the lady was a constant visitor. An attachment arose between Miss Kynnersley and the Baron, which resulted in his following her to England, where they were married in October of the same year; and in April, 1777, their eldest son was born at Loxley Hall, Staffordshire, the seat of his mother's family.

On the cession of Alsace to France by the treaty of Münster in 1648, it had been provided that that province should retain its old laws, and that all the feudal rights—even those of Suzerains residing out of France — should be preserved; thus on the family of Rohan Soubise, which had long held the fief of Soultz, becoming in 1787 extinct, the lordship escheated to the lord paramount the Elector Archbishop of Cologne. A few months previously the Baron de Bode, now the father of several children, had sold out of his regiment, where he had attained to the rank of General, and with the proceeds of the sale had purchased the salt mines of Soultz-sous-Forêt. Upon the death of the Prince de Rohan Soubise he obtained a grant of the fief, the investiture being granted to the father and the son jointly, the effect of which was to convey to the father the usufruct for life, and an absolute vested remainder in the property in the son. What had in former times been a gift, was now become a matter of purchase, and the Baron paid a large sum of money for the institution to the lordship of Soultz. Over this territory, though consisting only of about sixty square miles, the lord exercised sovereign rights, including the power of life and death.

[1] One of the party who started from London was a Miss Horneck, almost certainly either 'Little Comedy' or the 'Jessamy Bride.' By the time, however, that Margate was reached she had suffered so much from sea-sickness that she landed and returned to town.

By the treaty concluded by Pitt with France in 1786, it was provided, among other things, that in case of a war between the two countries the property of the subjects of either State residing in the other should not be confiscated.

The Baron's eldest son was still a boy when the French Revolution broke out, which soon threatened the safety of the feudal aristocracy. The British, owing to the freedom of their government, were then extremely popular in France, and it struck the father that as his son was a British subject, the lordship would be safer if vested in him. The Baron therefore, in 1791, went through the proper form of abdication, by which, according to the feudal law, the heir apparent became at once owner of the property. All feeling, however, in favour of the English had vanished when the war with this country began in 1793. In the autumn of that year the de Bodes had to escape for their lives from their home, and a decree was issued confiscating their property. They made their way into Germany, and thence to Russia. The young Baron distinguished himself in the military service of that country, and he re-entered France in 1814, at the head of a regiment, which bore, as a mark of honour, his own name. His parents were now dead.

On the conclusion of peace, a treaty was made between England and the French Government to the effect that a sum of seven millions sterling should be paid by France to England in full satisfaction of the claims of British subjects whose property had been confiscated during the war. The Baron de Bode was included in the list of such subjects upon whose losses the amount to be handed over for their compensation was estimated. This sum was paid over, and an Act of Parliament was passed, appointing a commission to determine claims. The Baron de Bode duly preferred his; but while he was in Germany collecting the requisite proofs for its establishment, the commission decided that as his property was not confiscated *because* he was a British subject, he did not come within the treaty; and, refusing to wait for his evidence, they, in 1822, made an award rejecting his claim. He then, in pursuance of the Act of Parliament, appealed to the Judicial Committee of the Privy Council. This tribunal rejected his claim for want of proof of the *cession* of the property to him by his father, evidence of which the conduct of the commission had prevented him from producing. But as the Judicial Committee decided in regard to other claims that the confiscation not taking place *because* of the British ownership was no ground of objection, the Baron now applied to them for a rehearing. This he failed to obtain, in consequence of the confirmation by the Crown of their decision having meanwhile been surreptitiously procured. In this part of the case, as subsequently, every obstacle was thrown in the Baron's way by the machinations of other claimants who had not put in their claims in time, but who expected (and as the event proved with good ground) to get them allowed if a surplus of the money remained.

Various applications on behalf of the Baron de Bode were made to Parliament to remedy the injustice. The late Lord Derby (then Mr. Stanley) moved for a Committee of the House of Commons on the subject, but he was met by the ministry with the false statements and sophistical arguments put forward on all occasions by the opponents of the claimant, and the Committee was refused. Mr. Stanley afterwards renewed the motion, but in vain. The case then came into the hands of Mr. Serjeant Wilde (afterwards Lord Chancellor Truro), and upon his losing his seat, it was at his request taken up by Mr. Hill. In May, 1833, he moved for a Committee, but on the Attorney-General's beginning his answer, another member objected to so important a subject being discussed in a very thin House, and the consequence was a count-out.[1] The following year Mr. Hill again moving for inquiry, showed that the compensation fund paid over to the British Government had actually been estimated to meet a claim from the Baron de Bode, and that if this were undischarged a surplus would remain in their hands. He pointed out that in the present case they were not exactly the judge, but in some degree judge and party too, and urged that it behoved them, therefore, to use more than ordinary care in the disposal of the money entrusted to them. Of the Baron he said :—'For eighteen years he 'has been asking a judgment; for eighteen years he has been prose-'cuting this claim, which appears so clear that he must have been 'mad if he had not sacrificed his prospects to follow it up; but it 'has turned out in this case, as it unhappily does in many others, 'to be the greatest misfortune that could happen to him, to have 'a claim to property in the possession of others. My experience 'at the Bar has shown me that it is a deep misfortune; but I never 'saw it so strongly exemplified as in this case. Here is a gentle-'man who has lost the prime of his life in prosecuting this claim '—of noble family, himself eminent for services in the army, in 'which he has raised himself to high rank—now sees old age ap-'proaching, and finding him in poverty, because it pleased Provi-'dence to place him in circumstances in which no lawyer, in the 'beginning, could have forborne saying to him,—"It is your duty '"to abandon all prospects, however flattering, and prosecute this '"claim, which, in all human probability, will enable you to place '"your family in affluence."'[2]

A Committee was nominated without opposition, Mr. Hill being its Chairman; but owing to vexatious hindrance by the Baron's opponents, the inquiry was not concluded when Parliament rose. A short report, however, was made to the effect that a few days' sitting in the next Session would complete the matter; but the unexpected dissolution put an end to the Committee, and to Mr. Hill's power of resuming the case in the House of Commons. Mr. Warburton afterwards moved for a Committee, but without success.

[1] *Mirror of Parliament*, 1833, p. 1804.
[2] Ibid., 1834, p. 1438.

In 1838 the case was first brought into a court of law. Acting now as the Baron's counsel, Mr. Hill applied to the Court of Queen's Bench for a *mandamus* commanding the Lords of the Treasury to satisfy the claim. He was defeated on technical grounds, but the Court threw out a hint that the proper course was to prefer a Petition of Right, the ancient remedy against the Crown, which had not been used for centuries, and about which very little was known. This course was adopted, and a most tedious proceeding it proved to be, every step—such as in an ordinary action would be taken by an attorney's clerk as a matter of course—having to be made the subject of motions and arguments in Court. However, the Petition was at last endorsed "Let right be done;" and pursuantly a Commission of Inquiry was, in 1839, appointed by the Lord Chancellor. Before this Commission Mr. Hill proved his case by strict evidence; but the Attorney-General, instead of appearing at this stage and so preventing further expense and delay, chose to lie by, and then *traversed* the finding of the jury, which was for the claimant; thus necessitating a second trial.

After years of delay, in 1844, a day was named by the Court of Queen's Bench for a trial of the cause at Bar, *i.e.* before the full Court at Westminster—the most solemn form of inquiry known to our laws. It lasted four days, during which strenuous opposition was maintained by the Crown. One part of the course adopted by its advisers had, Mr. Hill said, filled him with great and continually increasing astonishment. They had, in answer to the claims of the Baron de Bode, actually pleaded the Statute of Limitations! Where such a plea in such a case could have come from, he was incapable of conceiving. It could not have come from Sir Frederick Pollock, as he had been, in the House of Commons, the firm friend and able advocate of the Baron de Bode. It could not have come from Sir William Follett, as he was too good a lawyer not to know how utterly it was inapplicable to such a case. It could not have come from Sir F. Thesiger, who was not in office when the plea was pleaded. But, as the old forms of indictment—with the humane view of removing all crimes from the possibility of having been effected by untempted human agency—suggested that they were committed at the instigation of the Devil, he (Mr. Hill) would have supposed that personage to be the author of the plea, if he had not been personally acquainted with him for twenty-five years; and he did not believe that he was capable of resorting, on the part of the Crown, to a defence which any private gentleman would consider it as an insult to suppose that he could set up in a litigation between himself and any other individual of the same class.[1] . . . It was true enough that the cause of action did not arise in the Queen's reign, or even during Her Majesty's life, as the

[1] The gentleman who draws pleadings for the Crown is called the Attorney-General's Devil. The office was filled at that time by an old circuit friend, Mr. Horace Waddington.

unfortunate claimant had been obliged to wage a thirty years' war in the assertion of his rights; but he now hoped that he should obtain a solid peace, to be granted upon the footing of justice by this great nation; and that the jury in coming to a conclusion upon the case would have less regard to the miserable consideration of saving the funds of this country, than to that of asserting amongst the nations of the world the reputation which England enjoyed for the equal and impartial administration of justice, even where the Sovereign herself was the party against whom justice was demanded.[1]

In the course of this address Mr. Hill having besought the Court not to place England by their judgment on a level with the repudiating States of America, one of the Crown counsel whispered to him that it was too bad to compare them to "those repudiating "scoundrels across the water." "On the contrary," answered Mr. Hill, "it is they who should complain of being compared to you, "for you are the worse of the two."

Again did the Baron's Counsel completely succeed in proving their case, and a verdict was returned finding all the facts for the claimant. But now arose a fresh, and as it proved, insurmountable obstacle to justice being done. Having regard to the clause in the Act of Parliament under which the claim was preferred, providing that the money paid over by France should be applied to discharge the claims of those persons in whose favour the Commissioners had adjudicated, and that the surplus, after satisfying such claims, should be paid over to the Lords of the Treasury to be disposed of as they should think fit—the Court felt constrained to give judgment in favour of the Crown; and this judgment was afterwards confirmed, on Writ of Error, by the Court of Exchequer Chamber, and by the House of Lords.

In 1848 Mr. Hill wrote to an absent daughter:—'The Attorney-'General, you may remember, attempted to prevent the further 'prosecution of the Baron de Bode's claim. In that attempt we 'have, by a judgment delivered this morning, defeated him, but 'still he has obtained delay—a year's delay—so that his purpose 'is answered. In like manner poor Mrs. Robson and Mrs. Ainslie '[also clients of Mr. Hill's against the Crown] have been deprived 'of their chance—they are both dead—their case being delayed by 'the proceedings of the Crown lawyers. I am getting very sick of 'these things.'

The original claimant in the de Bode case likewise had, in 1846, been relieved by death from the disappointment of hopes over and over renewed, but never to be fulfilled. The struggle then devolved

[1] *Times*, June 21st, 1844. When advocating the Baron's claim, in 1853, in the House of Lords, Lord Lyndhurst said, 'The law advisers of the Crown had 'actually condescended to use such pleas as the Statute of Limitations, and that 'the money had not been paid over to this country in the reign of Her present 'Majesty. To set up this Statute as a bar to inquiry, was what no honest or 'honorable man would do.'—*Hansard's Parl. Deb.* vol. cxxix. p. 1062.

upon his son. In his behalf a motion was made in 1852 in the House of Lords by Lord Lyndhurst, for a Committee.

Mr. Hill, who had retired from the Bar, and had left London, came up to town to help with information and advice. 'You will 'be delighted to learn,' he wrote to his wife, 'that the House of 'Lords has granted a Committee to report on the Baron's case. 'Lyndhurst made a capital speech. He was well supported by 'Wilde. There was no division. Lord Derby spoke with great 'fairness, and the whole was a very creditable exhibition.'

The Report was unanimous, and strongly in the Baron's favour. It concluded with these words:—'The Committee consider this to 'be a case of great hardship and injustice, and they earnestly 'recommend it to the favourable consideration of your Lordships.' In the following year Lord Lyndhurst moved upon it:—'That the 'House earnestly recommends the case of the Baron de Bode to 'the favourable consideration of Her Majesty's Government.'

'I saw a letter from Lord Aberdeen to Lord Lyndhurst,' Mr. Hill wrote to Lord Truro, 'on the Baron de Bode's case, smelling 'very strong of the Treasury. The old spirit is still there. Lord 'Lyndhurst will, of course, do his best, and we know how good 'that best is; but I could see clearly—indeed he made no secret 'of it—that his reliance was upon you. God forbid you should be 'unable to attend, for reasons of all kinds; but I feel quite sure 'that if the case loses you, it will not have the benefit of Copley's 'talents in their full vigour. It is no disparagement that at 'eighty-one, a man should not only want support, but feel that he 'wants it. If I may judge by my own case, self-confidence is one 'of the faculties which ages most quickly.'

Lord Lyndhurst, notwithstanding the powerful support of Lord Truro, was defeated. Many peers had left the House under the impression that there would be no division; while the number who voted against the motion—not one of whom had heard any of the evidence—did not exceed that of the Committee who, the year before, after full investigation, had stated their conviction of the injustice and hardship of the case.

Lord Brougham, whom illness had prevented taking a share in the debate, wrote to Mr. Hill, 'I was sorely vexed when I found 'there had been a division on the Baron's case, as I could have 'divided, though unable to speak. In all my experience at the 'Bar, in Parliament, or in the country, such gross and impudent 'injustice I never witnessed . . . I am quite clear that a popular 'statement of the case should be prepared and disseminated, and I 'am ready to contribute my mite to a fund for giving it a forced 'circulation.' Lord Truro was also of opinion that justice might even yet be obtained, so unanswerable had the debate, in spite of its issue, shown the claim to be.

In 1854 Mr. Montague Chambers brought the case once more before the House of Commons, in a motion to the effect that the

national good faith requires "that the just claims of the Baron de "Bode should be satisfied." It was lost by a majority of fifteen. Owing, as was afterwards discovered, to the concealed but deadly illness of the claimant's solicitor, Mr. Chambers received such meagre instructions that he was unable to state the full facts in his opening speech. Had this been done it would have been impossible for those who spoke against the motion to reproduce, as they did, the old untruths which had been long negatived by the findings of both juries. These misstatements, it is known, caused a number of members, sufficient to convert the minority into a majority, to change their minds, and to vote against the motion.

The present Mr. Justice Denman, who was in the House of Commons in 1861, moved for and obtained, in that year, a Committee to inquire into the case. The inquiry entailed heavy expenses on the Baron, and his means failed before it could be brought to a conclusion. It was thus of necessity dropped; and the same reason has precluded the Baron's friends from making any further effort in his behalf.[1]

[1] The claim of the Baron de Bode has filled piles of Blue Books and volumes of Law Reports. A succinct narrative of the case, and of the proceedings in Parliament and the Law Courts up to 1852, is contained in the *Report of the Committee of the House of Lords*, June, 1852, printed by Brettell, Rupert Street, Haymarket, 1852; and important details will be found in Lord Truro's speech in the *Debate in the House of Lords*, August 1st, 1853, printed by Clowes and Son, 1854.

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